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APPENDIX.

CADIZ

OPINION OF THE SUPREME COURT IN REGARD TO THE LEGALITY OF THE PRESENT SESSION.

To the Honorable the Council and House of Representatives of the Territory of Kansas:

Your communication through the medium of the Attorney of the United States for the Territory, was handed to the Supreme Court at its session on the 30th ult., and being taken into consideration, it was determined by a majority of the Court to reply to so much thereof as presents the question of your authority to enact the bill providing for the temporary session of this Assembly at the Shawnee Manual Labor School, and the further one, "whether the adjournment of this Assembly to this place in pursuance of such act was legal?" in other words, the vital inquiry whether you are a constitutional Legislative Assembly.

As to so much of your communication as is embraced in the succeeding clause, to wit: whether it is competent for this Assembly, if its present session be legal, to confer on the Probate Courts jurisdiction civil and criminal, concurrent with the District Courts, they determined that, as it presents a question touching the legality of a specific act of legislation, they would leave the solution of that, should it arise to the ordinary course of judicial investigation.

In making the distinction, they have been controlled by the peculiar characteristics of the first inquiry. Looking as it does to the constitutional existence of the Legislative Assembly, upon which rests interests of the most vital character and of universal application to the well being of our people, it has seemed to a majority of the members of the Court that they should fail in the accomplishment of a leading purpose in their creation if, suffering themselves to be restrained by too nice considerations of technical delicacy, they should refrain from a direct response to your interrogatory.

In reaching this determination they have been influenced in no small degree by their high appreciation of the constituent elements of your honorable bodies. Satisfied thoroughly that in the great requisites of intelligence and public virtue the Legislative Assembly of Kansas will compare favorably with similar bodies in the States of the Union, and fully persuaded that in propounding the inquiries you have been influenced by an earnest desire to shape your legislation in strict conformity to the obligations of controlling law, the consideration of the preliminary question, whether a response should be made by us, was approached with a natural anxiety to find it consistent with a sense of official duty to do so. It is but justice to ourselves to add that this motive was powerfully offset by an habitual reluctance to interpose, even upon solicitation, in any matter wherein it was known that co-ordinate branches of the Territorial Government entertained conflicting opinions. Immediately upon entering upon the inquiry, the immense magnitude of the interests involved arrested our thoughts, and forbade in the most emphatic tones, a resort to the ordinary justification for silence, that the case presented was *coram non judice*.

It may be true that this is technically the fact, but we could not concieve ourselves justified in reposing upon this defense, when, meantime, that greatest of all evils, anarchy, might exist rampant upon our soil fed and encouraged by the reckless and unprincipled who might even invoke our very silence as an argument in maintenance of their destructive sentiments, and beside this perhaps, draw hence inferences fatal to our independence, and consequently subversive of that confidence which we are most solicitous to maintain.

You will do us the justice to be assured, that this apprehension has not its origin in a weakness which regards our own reputation merely for its own sake, but in a deep anxiety

for the public interests which we feel to be largely dependent upon the estimate as well of the independence as of the uprightness and ability of those to whom are assigned the interpretation and administration of the laws.

We have felt the less hesitation in examining and responding to your questions, because there is much reason to doubt whether, under any circumstances, the difficulties involved in them might be presented to us judicially for solution. These reasons for doubt are supposed to be found in the views of the Supreme Court of the United States as expressed in 5th Howard's Reports, p. 343, in the case of Scott et al. vs. Jones, in which the constitutional existence of the Territorial Legislature of Michigan was proposed to be brought into review.

Without attempting an elaborate examination of the points of that case, it is sufficient for our present purpose to say that the whole tenor of the argument of that high tribunal is to demonstrate that the subject matter of legislative bodies, and not the competency of their organization, forms the true and only topic of judicial revision. Should such an exigency arise as an unwarrantable attempt at legislation by any body wanting the necessary elements, say they, "if not situated within the territory of the Union," it "would be a foreign affair, and not within the cognizance of the departments of this government, unless so interfering with its rights as to call for the political exercise of the executive or legislative authority over our foreign relations." "Again, such conduct by bodies situated within our limits, unless by States duly admitted into the Union, would have to be reached either by the power of the Union to put down insurrection, or by the ordinary penal laws of the States or Territories, within which these bodies unlawfully organized are situated, and acting," language manifestly referring to the assumption of legislative power by self-constituted and rebellious organizations.

Again they speak in terms which admit of no question of their understanding of the relations of these departments of Government, when they say "the judicial tribunals of the general government which acquiesce in the political organization that has been professing to pass statutes," &c.

After remarking in addition as to their recognition of such bodies as duly organized, and conceding their existence, therefore, as a State, and that their statutes must be treated as the statutes of any other State, within the meaning of the act of 1789, known as the judiciary act, they add: "And, if so, we must inquire only into the validity of their subject matter, and not as to the new, any more than the old States, ever suppose the question of their political competency or power to pass statutes at all, was an inquiry intended to be placed under our consideration and decision," by the act above mentioned.

We could not but regard an attempt to evade the force of these views by the suggestion that they were expressed particularly with reference to State organizations, and therefore not applicable to the position of a Territorial Legislature, as more resembling a quibble than an argument, unless, indeed, contrary to our full conviction, some difference in principle between the several organizations, applicable to the point in controversy, could be shown.

It would not only so partake of the appearance of a quibble, but what is of more force, it would falsify the facts of the case, since the very question presented arose upon the legislation of a Territory, and would inevitably have drawn from the august body which pronounced the decision such distinction, if, in their judgment, such distinction existed.

Having referred to this decision in maintenance of the propriety of responding in this inofficial manner to your inquiries, we will add before dismissing it that it is no less forcible to sustain the proposition that you are yourselves the judges, without appeal or revision, of whatever may be embraced in the manner and form of your organization, and that neither an objection to your place of session or of any other matter not embraced within the subject matter of the operative provisions of your legislation can be called in question elsewhere.

We will but add to these reasons—satisfactory to ourselves, and we trust to you—that we are gratified to find ourselves sustained, in a position altogether novel, in the course we have adopted, by precedent, to which, so far as we know, no objection has arisen; a precedent, too, which goes much farther than we have determined to go. A resolution of the Legislature of Minnesota Territory propounding questions to the Judges of the Supreme Court of that Territory, was fully replied to by the Judges. See proceedings of the first session of the Minnesota Legislature.

Having determined to reply to the extent indicated, the nature of that reply next comes next to be considered.

Upon this we have had no difficulty. We have not been able to discover any substantial objection to the constitutionality of the course of the Legislative Assembly. We could see, in the change of the place of your session out of mere caprice, much that would be objectionable to good taste and to that spirit of deference to regularity and order which the people have a right as well as an inborn disposition to expect in those holding honorable positions; but we are forbidden by the highest considerations of respect and justice to suppose caprice to have governed your honorable body. To feel otherwise would be a

dereliction from the courtesy due to a department of government, as well as an unseemly departure from the analogy to the well established principle of law, upon the recognition of which courts forbear to go behind the record when the judgment of a competent tribunal comes incidentally under their notice.

It is not for us to inquire what considerations did govern you; but to assume—the least that any respectable body can ask—that you had for your action reasons to yourselves most satisfactory and ample.

The questions presented for our consideration are, Whether the act of the Legislative Assembly declaring the Shawnee Manual Labor School the temporary seat of government is valid? And, Whether your legislation at the last mentioned place is legal?

They might be treated together, as really presenting the solitary inquiry, Whether your honorable body has a constitutional existence? But the latter branch of the inquiry demands a brief consideration distinct from the other.

It may be remarked in reference to it, that its favorable solution may be shown, whatever might be the reply to the former, unless—which is by no means a certain proposition—no legislation can be obligatory promulged elsewhere than at the seat of government.

Indeed, the contrary is shown to be the recognized rule, and as such has both been acted upon in the absence of express authority, and has, in the constitutions of the States, certainly in some and perhaps generally, been recognized.

The removal of Congress from Philadelphia to Lancaster, in 1777, upon the temporary reverses of the American arms in New Jersey, is an illustration of the former; while the 26th section of the 2nd article of the constitution of Maryland is a demonstration of the latter

We are but too apt to confound inherent principles with either constitutional or legislative requirements. It is usual to limit by positive enactment the exercise of the functions of the departments of government to the seat of government; a policy not only not questionable, but clearly laudable and wise. So, too, the residence of the chief Executive officer is most commonly required to be there, yet it is not universally so. In Delaware, for example, and in Alabama, such is not the case. The act creating this Territory does not require this of the Governor; all that it does is to exact of him to "reside within said Territory." Nor does it contain a prohibition to legislate elsewhere than at the seat of government. Upon this point it is entirely silent.

You are the judges of the propriety and regularity of the mode of performing your duty. The object of your existence is the highest known to enlightened communities—the enactment of laws to govern the intercourse of society, and to control the action of its individual members. It would be to suspend the most overtowering interests upon too trivial considerations, if the vitality of your acts should be dependent upon mere points of regularity, and these to be determined by other tribunals, and that too by lifting the veil of motive, and prying into its hidden springs. If the principle of such an oversight and control were conceded, it would be an alarming abuse, if, upon so comparatively insignificant a point as the place of your deliberations, their whole efficacy should rest. However much it may seem to comport with the importance of legislative councils, to be surrounded with the conveniences and comforts of tasteful and expensive buildings, reared by the munificence of government, and to have these located in the midst of a refined and intelligent population, these are, after all, the least of the elements of their usefulness. The primary purpose of your being is to promote, by the wisdom of your councils, the public welfare, and, whether surrounded by the appendages of even prodigal and profuse expenditures, or legislating under the genial shade of one of Nature's forest monarchs, whether in the centre of luxury and population, or in the stillness of solitude unbroken save by the voice of patriotic earnestness in support of needful laws, is but of the utmost insignificance in comparison with the adaptation of your measures to the interests entrusted to your keeping.

If pestilence, therefore, shall invade the halls nobly wrought to correspond with the magnitude of your duties, we can see no reason why you should not, as did the Parliament of Great Britain, to shun the desolation of the plague, leave Westminster, where, "since the days of the Plantagenets, the Houses had constantly sat," but great reason why you should abandon these, if need be, for the solitude, to perform your labors, and if called to assemble in the solitude, where conveniences are not to be had for the advancement of your efforts, it is certainly no less true that you may and ought, as the Congress of the Revolution adjourned, indignantly, from Phtladelphia to Princeton, New Jersey, about the close of that great struggle, to adjourn to such other place as will furnish these.

It would be faithlessness to the high trust assumed, to dissipate the time and energy so necessary in a limited session, in combatting and overcoming inconveniences, instead of seeking a place, where, conveniences being provided, these may be devoted to the legitimate objects of your organization. The first alternative, if adopted, would present a lamentable example of the truth of the old legal maxim, *qui haeret in litera, haeret in corice*, "who sticks to the letter sticks to the bark," an idea not dissimilar rom that ex-

pressed in "grasping at the shadow and losing the substance," in "straining at a gnat and swallowing a camel."

If left to seek, in general principles, a response to your question, we should feel no hesitation in resting the justification of your position upon these views, and, invoking to our further support the long established maxim, *de minimus non curat lex*, "the law disregards trifles," should feel that position to be impregnable. It is due to ourselves to add, that it would be an unjust inference, from these suggestions, to suppose that we regard the establishment of seats of government as a matter of indifference. On the contrary, they are in entire consonance with the highest appreciation of the advantages and necessity of such establishment. Suffice this to guard against misapprehension, without departing from the line of argument, to illustrate the importance of fixed places for governmental purposes, and the propriety, in general, of there performing legislative functions.

We are not, however, confined to general principles, but may, with confidence, turn to the provisions of the Organic act of 1854, ch. 59, the act of 1855, ch. 267, sec. 6, and the further act of 1855, ch. 67, in discussing the question of your right to locate, temporarily, the seat of government of the Territory, as we now propose to do.

The 24th section of the first named act declares that "the legislative power of the Territory shall extend to all rightful subjects of legislation, consistent with the constitution of the United States and the provisions of this act." Some limitations follow, but do not affect the question under review.

It is supposed that but for the 31st section, no doubt would exist but that under the 24th the Legislative Assembly would have a clear right to designate the seat of government, either temporarily or permanently, or that if any ground of doubt could be found it would be in that clause of the 22d section which provides that "the persons thus elected to the Legislative Assembly shall meet at such place and on such day as the Governor shall appoint," but thereafter the time, place and manner of holding and conducting all elections by the people, "shall be prescribed by law, as well as the day of the commencement of the regular sessions of the Legislative Assembly."

For the sake of simplicity and clearness, the 24th section will be examined first, in connexion with the 31st, as also with the appropriations of section 6 of ch 267, 1854, and of 1855, and afterwards in connexion with the 22d section of the original act.

The language of the 24th section has been already quoted, that of the 31st is in the following words, "that the seat of government of said Territory is hereby located temporarily at Fort Leavenworth; and that such portion of the public buildings as may not be actually used and needed for military purposes, may be occupied and used, under the direction of the Governor and Legislative Assembly, for such public purposes as may be required under the provisions of this act."

In the construction of this section, it is most obvious that the use of the word "temporarily," must demand particular attention. This would be true, if to be construed independently of any other, it is much more so when to be construed along with others, and when a conflict is to be avoided.

If omitted, or if substituted, by the word permanently, an entirely different phase would be given to the section. But the word "temporarily" does occur. Why was it inserted? This question will be answered by the solution of another: Did Congress intend to designate a seat of government until by its own further action in the premises, a permanent one should be established, or another temporary one pointed out, or was it the purpose of Congress to designate such seat of government to provide for exigencies that might arise before the session of the Legislative Assembly, leaving it to that body, as one of its appropriate rights, as of all similar assemblages, unless restrained by direct prohibition, either to continue there, after its convocation, if convenient to the public interest, or to designate some other, since it had accomplished the object of its temporary creation? To this question, it has seemed to us, there should be no hesitation in making a reply. The very term used admits the existence of a right somewhere to change the place. Why 'temporarily," if no competent power exists to alter and change it? Where rests that power, in the absence of a prohibition, if not in the body to assemble for legislative purposes in the Territory, and having entrusted to it the great concern of preserving and advancing the welfare of a rapidly populating country, a body which far beyond Congress has the means of judging where, best for the attainment of these ends, they shall hold their sessions.

Not only elementary writers, but judicial expounders of the law, have uniformly regarded the object to be attained by a legislative act, as all important to aid in its exposition.

But here not only is there no prohibition, but a distinct authority, in the language of the 24th section, to legislate on this subject.

This can only be denied by asserting contrary both to precedent and principle, that the

location of a seat of government is not a "rightful subject of legislation." We say contrary to precedent and principle, because both have been most emphatically affirmed by the highest legislative authority in this country, and from 1790 to this day, acquiesced in by the highest judicial as well as executive authority of the Federal Government.

A reference to the act of Congress of 1790, ch. 28, and to the history of the country from that period to this, settles, we think, this proposition beyond controversy. In appealing to the history of the times, we have the authority of the judicial tribunal already quoted. (3 Howard p. 1.) In asking the sanction of the acquiescence of the departments of government, it would be purely superfluous to cite authority, when it is remembered that this is the very foundation of that large system known as the common law.

The act of 1790, by its 5th section, locates the Seat of Government at Philadelphia, until the first day of December, 1800, (thus temporarily) and by its 6th section locates it permanently at the city of Washington, not *eo nomine*, but at "the district and place aforesaid," which by the first section, is described as "a district of Territory not exceeding ten miles square, to be located, as hereafter directed, on the river Potomac," a district since and now known as the District of Columbia, and the particular place since and now, the city of Washington. It is a confirmation of this view, rather than an objection, that the Constitution of the United States, sec. 8, art. 1st, confers the right of "exclusive legislation" "over such district, &c., as may, by cession of particular states and the acceptance of Congress, become the Seat of Government of the United States," &c., because it will be observed that the grant of power here is to "exercise legislation," and not to select a Seat of Government, this latter being, really, by the phraseology used merely acknowledged as a legitimate exercise of an indispensable power. See Story commentaries upon this section; book 3, sec. 1211.

Assuming then that the location of a Seat of Government, temporarily or permanently, is a "rightful subject of legislation," the argument becomes conclusive that the true exposition of this section confers ample authority for such an exercise of power as that in question, while the use of the word "temporarily" in the 31st section, leaves the question entirely free from the embarrassment of a supposed prohibition.

Were it possible, however, that these views fall short of concluding the question, it is only needful to pursue the legislation of Congress a step or two further to discover a most distinct exposition by that body of its own interpretation of the subject.

By sec. 6, chap. 267, of the statutes of the same session—1854, an appropriation was made of twenty-five thousand dollars "for the erection of public buildings for the use of the Legislature of the Territory of Kansas" upon terms therein mentioned. This provision is too well known to need a full recital, the more especially as it is referred to rather in illustration of the section next cited, than as of itself illustrative of the point in discussion.

It may be observed in passing that, notwithstanding the insufficiency of this section to accomplish the purpose, more especially when the history of its passage, after a failure of a more direct effort at repeal, is known, it was pretty widely thought, for some months after the promulgation of the establishment of the Territorial authority, that this had, in fact, accomplished a repeal of the 31st section of the organic act, which is now strangely enough, by those entertaining this opinion, supposed to be in full force, despite not only this section, but the act of 1855, ch. 167, and your own act at the present session.

Tracing the legislation of Congress a step further we see that at their last session, by ch. 167, a moment since mentioned, there is a further appropriation of twenty-five thousand dollars, but with this very material proviso that neither this sum nor the twenty-five thousand dollars heretofore appropriated, shall be expended "until the Legislature of said Territory shall have fixed by law the permanent Seat of Government." It is to this statute we ask attention, as affirming the construction given to the act of 1854, ch. 59 secs. 24 and 31.

It will be observed that there is no grant of power by this act of 1855, ch. 167, to locate the permanent Seat of Goverment.

The manifest meaning of the language used is a mere recognition of that power as an already existing one. It is a prohibition of the expenditure of the moneys devoted to the use of the Territory, until such time as this admitted power shall have been exercised, for the obvious reason that Congress did not intend these sums or any portion of them to be expended for temporary buildings.

The plain conclusion from this view of the act is that Congress, entertaining no doubt of the right of the Legislative Assembly to locate permanently the Seat of Government, thus expounds its own understanding of its previous enactments, *in pari materia*, while the further inevitable inference follows that the inferior right to locate the Seat of Government temporarily, resides in the same body. For authority for this argument, see 7, B & C, p. 99—6, B & C, p. 454, and 3d Howard, 556.

For support of the concluding inference, the well known rule of law that the greater embraces the less, will be recognized as both applicable and sufficient. See 6th Wheat.,

p. 204, and 14th vol. East's Report—the famous case of Sir Francis Burdett vs the Speaker of the House of Commons. "What is clearly implied by a statute is as much a part of it as if expressed in words—Missouri Rep. vol. 3, p. 264.

The 8th sec. of the 1st art. of the Constitution of the United States and the subsequent action of Congress under it, to which reference has been already made for another purpose, are even more forcible in confirmation of these reflections. If the construction then given it be correct, sustained, as we have shown it to be, by high authority, that the right to locate a Seat of Government is assumed and not granted by its language, no further doubt can exist of the existence of a similar power in your case, and of the truth of the construction given by us to the acts and sections quoted; if it be not the true construction; but is to be regarded as a grant of power, and as the grant under which Congress subsequently enacted the act of 1790, then it becomes no less influential in defense of the inferential power to locate the Seat of Government temporarily, which we have claimed under the stat. of 1855, ch. 167. If not so, whence the power to do what Congress, by the 5th sec. of this stat. did, to wit: locate, from that period to 1800, the Seat of Government at Philadelphia—not certainly under the Constitutional grant, for that speaks of only such district "as may by cession of particular states and the acceptance of Congress, become the Seat of Government of the United States," language gratified by what occurred in reference to the District of Columbia, and the city of Washington, but never by any transaction in regard to the city of Philadelphia. Hence the location thereof at the last named place, assuming it to have been by authority at all, was by one following necessarily from the greater authority claimed by virtue of the Constitution.

Protracted as this opinion has already become, there is still another aspect in which the subject must be viewed.

Objection to these conclusions may be supposed to be found in the clause of the 22d sec. heretofore quoted; "the persons thus elected shall assemble," &c.

The point of objection can scarcely be the first branch of the clause which says that they "shall assemble at such place and on such day as the Governor shall appoint."

There are two views in which this part of the sec. may be presented, neither of which would effect the rightfulness of your acting, however one might produce question of the legality of the call, as to "place," under which you assembled.

The first is whether the authority to designate the place was not subservient to the 31st sec. establishing, temporarily, the Seat of Government at Fort Leavenworth, and if so, whether its true construction would not have been that it meant some particular place at that fort, and not any place outside of that. Assuming that no subsequent legislation of Congress had repealed the 31st sec. and conceding what is distinctly implied in the objections to your act, that the only place for legislation is the Seat of Government; this construction would follow irresistibly, because it would be the only construction that would leave every part of the statute upon this subject to operate. That in the construction of statutes this rule prevails universally, is too well settled to be controverted. 5 Har. & John. p. 26.

No particular stress is intended to be laid upon this view, as it does not relate to your action.

The other view of it is that it has been perfectly gratified by your assembling at the time and place pointed out by the proclamation of the Governor, without question of the right to call you together there and then. To contend that it exacts more, and that you were required by it not only so to meet, but there to remain, can only be successfully done by interpolating words, which the wisdom of Congress did not see fit to insert. It would be but to press to a little greater extreme, without a difference in the principle, the severity of this claim, if it should be contended, that having assembled, you had no right to adjourn until your session was finally closed, there being no recognition, by any language there found, of a right to reassemble after adjournment.

Whatever argument entitled to particular consideration is derived from this section in derogation of your action, must be sought for not in this language, which as we have shown, has been literally gratified, but in the succeeding words, "the day of the commencement of the regular sessions of the Legislative Assembly" "shall be prescribed by law." This may be considered as either imposing an injunction, or as vesting an authority. If the former, no inference unfavorable to the affirmance of your act can be drawn.—They would but mean to impose as a duty, what would otherwise have been left to your discretion, and to require you to fix the period of commencement of future sessions, instead of leaving this to the Governor, as Congress had done, for convenience, as to the first session.

Supposing the meaning to be a delegation of power, an argument might be presented, not totally destitute of a semblance of force, in the absence of any other provision touching the legislative authority of the Territory; and illustrative of the intention of Congress.

It would derive this force from a principle which has its advocates, that the enumeration

of particular, excludes more general grants of power, one, however, by no means conceded, but while maintained with earnestness by some, is denied with confidence by others, amongst the latter of whom is prominent, one of the most distinguished jurists of this country, and the peer of the most famed of any other. Story Com. B, 3, sec. 842.

It is not necessary that we should deny it. Its recognition would not militate against our views, since its most unqualified concession would be restricted, by an admitted qualification that it is only operative in the absence of anything to show a different intention, as well as by a rule already announced—that rule is, that all statutes or parts thereof, relating to the same subject matter, must be considered together, and so construed as to give to every part, if practicable, its effect. To assume, therefore, upon this principle, a negation of your power to do anything beyond the fixing of the time of your future regular sessions, would be without authority of the principle itself, because it would be to disregard alike the 24th sec. confirming legislative power, as well as the act of 1855, 167. It would be first to adopt a questionable principle, and then to claim its service under circumstances in which it is totally inapplicable.

It is only necessary in conclusion to refer to another part of sec. 24 of the organic act, to show that the want of concurrence of the Governor, presents no objection to the efficacy of the acts of the Legislative Assembly, two-thirds of the members of each of its constituent bodies, concurring therein.

S. D. LECOMPTE,
RUSH ELMORE.

I fully concur in the foregoing opinion, and refrain from saying a word on a subject so well discussed.

A. J. ISACKS.

MEMORIAL FROM THE LEGISLATURE OF KANSAS TO THE PRESIDENT OF THE UNITED STATES.

To his Excellency Franklin Pierce, President of the United States:

The undersigned, your memorialists, members of the Council and House of Representatives of the Territory of Kansas, respectfully represent that a crisis has at length arrived in the affairs of this Territory, which makes it imperative that you should interpose, so that our government (the wheels of which have been dragging so heavily heretofore, and which have at last come to a stand,) may be relieved of the clog which has been attached to it, and be enabled to move once more in its regular course.

A brief history of our Territory, written and unwritten, since its organization, will enable you to see the causes which have conduced to this end; and the remedy being in your own hands, we trust and believe you will not hesitate immediately to apply it.

On the 30th of May, 1354, (more than one year since,) the bill opening the Territory for settlement, west of Missouri and Iowa, was passed. The public, excited by the glowing descpiptions of those who had been in the Territory, and by the debates in Congress regarding the future political destiny of this newly opened country, immediately rushed in by thousands from every quarter of our wide-spread Union. No territory ever organized by this government has been peopled with half the rapidity of this, save California, owing to the unnatural stimulus above alluded to. A people thus numerous—thus diversified from birth, education, previous associations, and present intention and objects—required, it seems to us, for their government, the most prompt action on the part of those called on to preside over them. From the month of May until October there were no officers here; the Governor appointed to organize the Territory, under the provisions of the bill, arriving in the latter month. So soon as it was ascertained, by rumor, that he had arrived, (for he never in any way made it public,) it was presumed that he would immediately order the census of the Territory to be taken, an election for members of the Legislative Assembly to be held, and call them together at once, so that laws might be enacted for the preservation of the public peace and weal. But what was the course pursued by that official? The citizens of our Territory received him with open arms, and even in Missouri, the State bordering on our line, he was tendered a supper on the day of his arrival, to enable him to meet with the distinguished gentlemen of that section of Missouri, together with the private citizens of the vicinity. Received thus frankly and cordially, both in Kansas and on the border, urged time and again to provide for the election of a Legislature—the people knowing of no laws in force, and the Governor himself having no settled opinion upon the subject—appointing justices of the peace in various sections of the Territory, some of whom enforced the Pennsylvania, some the Ohio, and some the Missouri code, acting as a matter of course under his instructions—still, with all these various imperative necessities urging his compliance, he heeded them not, but assumed himself to act as the law making power, by prescribing the various codes above, and usurping the powers of the judiciary in issuing writs, and sitting as an examining court upon a charge of "assault with intent to kill," the prisoner being at the time incarcerated within the walls of a prison, and before discharging him demanding his recognizance, which was taken however by a judge whose district had as yet not been assigned him. In the midst of all this confusion, turning coolly from those who had thus warmly welcomed him, associating with those only from one particular *section* of the Union, persisting in not adopting that course which alone could produce order from this chaos, it is not singular that loud complainings should be heard, and that sinister motives should be attributed to him for his conduct.

The Governor then commences his course of speculation, beginning by arraying himself directly in opposition to the opinions of the General Government, as expressed by the Attorney General, in relation to Delaware lands, by purchasing property on those lands, and stating that the opinions of the law officer of the General Government were

incorrect, and of no force if correct; thus setting an example of insubordination to those less informed, and which may end in a conflict between the people of this Territory and the General Government, unless the rights of the squatters on those lands are recognized in conducting the sales of them. He then commences a tour of observation through the Territory, for the ostensible purpose of preparing for a census, &c., but which from his subsequent conduct proved to be only one of speculation, for he was known to be a large shareholder in many of the various town companies throughout the Territory. Finally, in the month of February, when the snow was some two feet in depth, he orders a census to be taken, (the herculean task which had so alarmed him,) and it was so taken in about three weeks, under the unfavorable circumstances above stated.

A proclamation was then issued for an election of members to the Legislative Assembly, to be held on the 30th of March, 1855, said proclamation containing a section claiming, by the Governor, the right to decide contested elections, thereby virtually claiming the right to override the will of the people, as expressed through the ballot box, and to fill the Legislature with whomsoever he chose—virtually disfranchising every man in Kansas Territory, and also enacting a Maine liquor law by providing for the destruction of liquor under certain circumstances. After the contest was over and the result known, he delayed the assembling of the body until the 2d day of July, more than three months afterwards, and that too when the whole Union was convulsed on account of alleged outrages in Kansas Territory, and yet no law for the punishment or prevention of them. When at last they did meet, upon the call of the Governor, at a point where they had previously, in an informal manner, protested against being called, with an avowal of their intention to adjourn to the point at which they are now assembled, for the reasons that the requisite accommodations could not be had, where there were no facilities for communicating with their families or constituents; where they could not even find the common food to eat, unless at an enormous expense, there being no gardens yet made by the squatters; where the house in which we were expected to assemble had no roof or floor on the Saturday preceding the Monday of our assembling, and for the completion of which the entire Sabbath day and night was desecrated by the continued labor of the mechanics; where at least one-half of the members, employees, and almost all others who had assembled there for business or otherwise, had to camp out in wagons and tents during a rainy, hot season, and where cholera broke out as a consequence of the inadequate food and shelter, and where, under all these circumstances of annoyance, they finally passed an act adjourning to this point, where ample accommodations are provided, and where the Governor himself had previously made it the seat of government, they were met by his veto, which is herewith transmitted. The bill was reconsidered by the House in which it originated, and passed by the majority prescribed by the organic act, then acted upon by the other House, and also passed by the same prescribed majority—a copy of which proceedings is herewith transmitted. Upon our assembling at this point, in accordance with a concurrent resolution, passed as contemplated by the law, transmitted to you, we passed various bills, which were sent to the Governor for his approval. On the 21st of July he returned the bills with his objections to signing them, (all of which we herewith transmit,) addressed to the "House of Representatives of Kansas Territory," and "to the Council of the Territory of Kansas," respectively—by which he assumes that we are not the "House of Representatives of Kansas Territory" nor the "Council of the Territory of Kansas," which, to say the least of it, is a glaring inconsistency, yet not more so than the rest of the document, which you will perceive by reading the points made by him. We will briefly state them without an argument, to show their utter fallacy, so shown by himself, as we are confident that you will perceive them at a glance. One point is, that Fort Leavenworth is the seat of government, made so by the organic act, that a law passed anywhere else than at the seat of government would be illegal.

That he had the right to call the Legislature to meet at a point not the seat of government, (that is, Pawnee,) and that laws enacted there, (*though not the seat of government*,) would be legal, thereby destroying the preceding proposition.

That we could have passed an act at Pawnee—though not the seat of government, and therefore illegal—establishing a permanent seat of government, and by an ILLEGAL ADJOURNMENT—because passed at a point not the seat of government—have met at such permanent seat of government, and there have made legal and binding statutes; or, by the same ILLEGAL process, have adjourned to Fort Leavenworth, the seat of government, and there have made legal and binding statutes.

We would respectfully represent that, if the above are the honest opinions of Governor Reeder, you must admit his utter incompetency to discharge the high duties imposed upon him, and he should be removed. If they be *not* his honest opinions, then is he acting with the sinister design of defeating the whole object for which we are assembled.

If he believes that Fort Leavenworth is the seat of government, and that laws passed anywhere else than at that point would be illegal and void, then to call us to Pawnee to

legislate, is a wilful, deliberate and base attempt to render all our acts, of whatever character, wholly illegal and void; because, by his own showing, Pawnee is not the seat of government, and acts passed anywhere else than at the seat of government are of necessity void, and for which he should be removed.

We will not proceed further with this, but will simply aver that from the action of Congress, Fort Leavenworth is not now the temporary seat of government. The bill provides, in the 31st section, that Fort Leavenworth shall be the temporary seat of government, and that such buildings as may not be needed for the use of the military, shall be used by the Governor and Legislative Assembly. A subsequent clause of an appropriation bill provides for the appropriation of twenty-five thousand dollars to be expended upon the contingency, or rather the appropriation made upon the contingency, that the requisite buildings could not be obtained from the military or war department. That appropriation having been made and paid over, proved conclusively that the contingency mentioned has arisen, and that the buildings are refused. A subsequent appropriation made on 3d of March, 1855, provides that the sum of twenty-five thousand dollars be appropriated, and that, in addition to the amount already appropriated, shall be expended in making suitable buildings at the *permanent seat of government*. Now, if Fort Leavenworth is the seat of government, and the place for the Legislature to meet and transact business, then this absurd consequence follows: that they must meet and transact business at Fort Leavenworth; that they shall not use any of the buildings already erected there; anh that they shall not have any of the money to erect other buildings which could be occupied.

Now, as the law never contemplated an absurdity such as this, forcing a legislative assembly, even though composed of squatters, to meet out of doors and forbid their erecting houses, we infer that the 31st section of the bill is virtually repealed; and having no seat of government created by competent authority, the selection of the point for the temporary seat of government legitimately belongs to the Legislative Assembly, whenever and wherever convened. And we further submit that, according to the spirit and letter of the law, we have that right, even if Fort Leavenworth be the seat of government. We submit that, as all government is for the good of the governed, and as this is one of the legitimate subjects of legislation, vested in the people of every State in the Union; and as there could have been no intention on the part of the wise and good men who framed this bill, when they fixed the seat of government temporarily, to have done so other than for the comfort and convenience of the sovereigns; that they never intended to fix an arbitrary rule which the people could not alter, if found inconvenient; that it was more a *permission granted* by Congress that we might have the use of those buildings, or sit at that point, than a *command* that we *should not* select another point, if more desirable.

We will and do further represent that the position assumed by the Governor is a despotic and tyrannical one, calculated to lead to the worst consequences if he is not forthwith removed.

Already threats in advance have been made that no respect will be shown to any act passed by this Legislative Assembly, whensoever and wheresoever such act or acts may be passed. Several papers in the Territory boldly advocate this position. A man professing to have been elected to the Legislature, (M. F. Conway,) who afterwards tendered his resignation, advocates this doctrine of resistance. The Governor is and has been on terms of intimacy with these very persons; and, with him as their leader, they may be led to the commission of acts which will inevitably result in wide-spread strife and bloodshed.

Now, we submit that the course pursued by the Governor is unwarrantable and factious, even if he is right in the opinions advanced, that our acts are illegal and void. The courts are the tribunals to decide this issue, and no man, Governor or private citizen, has a right to set the laws at defiance, even if unconstitutional and void, until so decided by the proper courts.

This principle is so well understood that we are not prepared to imagine that Governor Reeder is ignorant of it, even taking his own arguments as an index of his intelligence; and there must be a wilful and base design to lead the less-informed into the commission of treasonable acts, for which he should be removed.

In conclusion, we charge the Governor, A. H. Reeder, with wilful neglect of the interests of the Territory, with endeavoring by all the means in his power to subvert the ends and objects intended to be accomplished by the "Kansas and Nebraska bill;" by neglecting the public interests and making them subservient to private speculation; by aiding and encouraging persons in factious and treasonable opposition to the wishes of the majority of the citizens of the Territory, and the laws of the United States in force in said Terri-

tory; by encouraging persons to violate the laws of the United States, and set at defiance the commands of the General Government; by inciting persons to resist the laws which may be passed by the present Legislative Assembly of this Territory; and, finally, by a virtual dissolution of all connexion with the present Legislative Assembly of this Territory.

For these and many other reasons we respectfully pray your Excellency to remove the said A. H. Reeder from the exercise of the functions now held by him in said Territory; and represent that a continuance of the same will be prejudicial to the best interests of the said Territory. And as in duty bound, we will ever pray, &c., &c.

THOS. JOHNSON, *President of the Council.*

JOHN H. STRINGFELLOW, *Speaker of the House.*

MEMBERS OF THE COUNCIL.

WM. BARBEE,
A. M. COFFEY,
D. A. N. GROVER,
RICHARD R. REES,
H. J. STRICKLER,
E. CHAPMAN,
JNO. W. FORMAN,
A. MCDONALD,
WM. P. RICHARDSON.

Attest,
J. A. HALDERMAN.
Secretary of the Council

MEMBERS OF THE HOUSE.

JOS. C. ANDERSON,
O. H. BROWNE,
A. S. JOHNSON,
M. W. MCGEE,
SAMUEL SCOTT,
GEO. W. WARD,
JAS. WHITLOCK,
H. W. YOUNGER,
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JOEL P. BLAIR,
H. B. C. HARRIS,
WM. G. MATHIAS,
A. PAYNE,
A. B. WADE,
JONAH WEDDLE,
A. WILKINSON.

Attest,
JAS. M. LYLE,
Clerk of the House of Representatives

REPORT OF THE COMMITTEE ON JUDICIARY.

The Committee on Judiciary and Criminal Jurisprudence, feel deeply sensible of their duty and the importance of their position, but inasmuch as they shrink from no responsibility which either this House or the people of the Territory at large impose upon them, they have considered the various subjects referred to them, contained in the message of his Excellency A. H. Reeder, Governor of the Territory of Kansas, and beg leave to report as follows:

The first Legislative Assembly of any Territory is a body always looked to with more than ordinary interest, having the important and solemn duty of shaping for its people their laws, and laying the foundation of the general principles of its government. But the position of this, the first Legislative Assembly of the Territory of Kansas, is not only peculiarly important to the people thereof, but of the deepest and most profound interest to the people of the whole Union; and the shape and tone of the laws which may be enacted by this body, will be so scrutinized by the people of every State, that it behooves us to give such deliberation to every act we pass, that will secure character both for ourselves and our laws at home and abroad.

The circumstances under which the people of this Territory have begun their political history, were entirely different from those of any other people, since the first blow for a republican form of government was struck on this side of the great Atlantic. Hitherto, Congress have retained to themselves the power to mold and shape all the Territorial governments according to their own peculiar notions, and to restrict within very limited and contracted bounds, both the natural as well as the political rights of the bold and daring pioneer, and the noble, hard-fisted squatter. Without inquiring into the fact whether or not this power legitimately belonged to Congress, and that they legitimately exercised it by the passage of the Nebraska-Kansas Bill, Congress, (if any power ever vested in them,) have now clearly parted with it, and delegated to the people of these Territories the right to frame and establish their own form of government. This principle is one the exercise of which should have never been denied to the people of any Territory, and the exercise of which has well nigh destroyed the great superstructure of the most grand governmental fabric that has ever had an existence in the world.

For who is it that has paid the least attention to the discussion of this principle in the Halls of Congress, that does not know that the pillars which uphold this glorious Union of States, were shaken until the whole world was threatened with a political earthquake, the effect of which would have buried republicanism and all its concomitant blessings beneath its ruins? The principle that the people are capable of self-government would have been forever swallowed up by anarchy and confusion, and political demagogues ruled the world all over.

But the political horizon is once again beginning to brighten, and the dark clouds of fanaticism are flying with the rapidity of thought before the storm of popular sovereignty. No wit can teach, nor understanding penetrate the future, and say that by a strict adherence to the principles laid down in the Nebraska and Kansas act, young and proud America, although tottering beneath the heavy load of a thousand and one isms, and tattered and torn by the hurricane of distractions of every sort, will not yet rise in the majesty of her strength, pre-eminently potent, great and powerful—the admiration and fear of the whole world.

The question of slavery is one that now convulses the whole country, from the boisterous Atlantic to the shores of the mild Pacific. This state of things has been brought about by the fanaticism of the North and East, while up to this time the people of the South, and those of the North who desire the perpetuation of this Union and are devoted to the laws, have been entirely conservative. But the time is coming—yea, it has already arrived—for the latter to take a bold and decided stand, that the Union and constitutional law may not be trampled in the dust, and this government, which has been sealed by the blood of our fathers, live, like the gates of Palmyra, only in song.

No government can, nor ever did, exist without law. However peaceful and quiet a

people may be, it is necessary that they should be subjected to law; but that law should be based on principles of justice and equality, affording protection to the weak against the strong, and at the same time dealing out even-handed justice to all.

It may not be improper to remark here, that the people of this Territory have been without law, or at least without any legal defined rule of action, and almost the shadow of a government, for more than twelve months, yet we find that less crime has occurred among them than amongst any community, State or Territory under the jurisdiction of the Constitution of the United States; and when it is remembered that this people have been promiscuously thrown together, it argues much for the good character of those for whom this, the first Territorial Legislative Assembly of this Territory are to legislate. And whatever may now be said with regard to the character of the pioneers of Kansas, history will record a fact of which the children of those bold and energetic sovereigns will be proud—and that is, amid all this legal blindness and confusion, together with outrages of Northern isms constantly aggravating and exciting our people, a decent respect for law and order has prevailed among them.

And whatever may have been the decisions of the Courts, or whatever may yet be the decisions of the tribunals having jurisdiction to pass upon the law, by them or others learned in the legal profession, considered to have been or now considered to be in force in this Territory, one thing is clear and palpable—and that is, that much clashing and difference of opinion has and will ever continue to exist, unless this present Legislative Assembly take such steps as will be adequate to the removal of all doubt and apprehension; and that step would be at once to sweep away, at one blow, all laws which may have been hitherto in force over this Territory, as well as those supposed to have existed or are now supposed to exist, other than those enacted by this Legislature, and the acts of Congress which have been extended over this Territory by the organic act organizing the Territories of Nebraska and Kansas. The reason for such action on the part of this body is obvious, notwithstanding the Governor in his message has thought proper to assert otherwise, in the words following, to wit: "That the laws of the United States not inapplicable to our locality—the laws of the Territory of Indiana made between the 26th of March, 1804, and the 3d of March, 1805, enacted for the District of Louisiana—the laws of the Territory of Louisiana—the laws of the Territory of Missouri—the common law, and the law of the Province of Louisiana at the time of the cession, except so far as the latter have superceded the former, *still remain in force in the Territory of Kansas.*"

Instead, therefore, our labors will be increased rather than diminished.

A glance at the political history of the whole north-western Territory, of which this is a part, will show conclusively, in the first place, the uncertainty of the laws hitherto extended over this Territory, and, in the second place, the difficulty to ascertain their specific application.

Should this view of his Excellency be correct (which we doubt exceedingly,) still the embarrassment of our Courts of Justice would be so great, that to arrive at a sound and correct conclusion upon any point of legal dispute would require the time of months and even years, and thus would the prosecution of a suit, either civil or criminal, be sluggish and uncertain.

All that Territory now embracing the State of Ohio, and all the States north and west of that State, together with the Territories of Kansas and Nebraska, was embraced in the great north-western Territory, out of which many States have since been formed—the then wide, desolate waste where the red man roamed free and unrestrained monarch of all he surveyed—sole owner and proprietor of millions upon millions and thousands of millions of acres of land, the soil of which is unsurpassingly rich and inexhaustible, is now covered with a people both civilized and christianized, and the barren waste made a garden, producing all the necessaries and comforts of life. When we contemplate this subject, the mind becomes sick with wonder and astonishment. Little more than a half a century ago, this whole western country was a barren waste and wild wilderness, wholly uncultivated and unproductive, save the spontaneous growth of vegetation, overrun with the savage and the beasts of the forest. Now cities and towns comprising thousands and tens of thousands of people, civilized and refined, are scattered over it, and the whole surface of the earth studded either with the cabin or the cottage. Instead of the densely crowded forest, whose trees were but the living monuments of inexhaustible strength of the soil, and the vast, though beautifully undulating prairie, we have one unbroken landscape, whose beauty and grandeur make the heart leap with joy.

And our fair Territory, though but the age of a moment, as it were, is going on to prosper and prosperity; thousands of people have left the homes of their fathers, and the firesides of their mothers—their friends and all the near and dear attachments of early youth and riper manhood, to cast their common lot together, to tame another wild wilderness, to change savage barbarism to civilization and christianity, and to add one more proud and potent sister to the federal Union. Progress is on the wings of the wind; then "while the day is ours let us be up and doing."

Our first work, then, is to ascertain what laws (if any) extended over this Territory immediately after the passage of the Nebraska-Kansas bill, as our existence as a people depends entirely on law; without law anarchy would reign supreme, and unhappy confusion swallow up and destroy us.

Notwithstanding the present Territory of Kansas has changed its legal position from time to time, since the treaty by government with the French Republic, and embraced in the several Territories of Louisiana, Indiana, and Missouri, these changes, however, cannot now have any effect upon the present condition of this Territory in a legal point of view. For the moment the act approved 30th of May, 1854, entitled, "An act to organize the Territories of Nebraska and Kansas," had its legal existence, a new face presented itself, and doubts were entertained, not whether the laws of the District or Territory of Louisiana, Indiana or Missouri were in force here, or that the laws of either one were a part of our embryo code; but the question was whether or not all law, except that embraced in the organic act itself, and those of the United States not locally inapplicable, as extended to this locality under that act, were swept entirely away; and hence numerous difficulties at once presented themselves to the minds of all, and no rule of action could be agreed upon; nor can any one, however learned in the law, and however well acquainted with the history of the western country, form an opinion that would quiet the thousand and one apprehensions afloat in regard to the subject matter now under consideration. An attempt, therefore, to ascertain, unless by special enactment by the Legislature, what laws (other than those of the United States) had any applicability in this Territory, would be fruitless, and render "confusion worse confounded."

Although law is considered to be, and has obtained the character of, a science, nevertheless by many it is regarded as an uncertainty at best; and should this present Legislative Assembly fail to declare in plain and simple terms what particular law or laws should be extended over this Territory, Courts of Justice would be regarded as a mere machinery of chance, depending entirely, (in common parlance,) *on luck*, nothing more nor less than a game of chance.

To ascertain what law was really in force in the Territory of Kansas, even should the view of his Excellency A. H. Reeder, be a correct one, would not only be work of supererogation and useless, but would require more time than is allotted to this body to sit, and more attention and care than a Legislative body could give to it, on account of the peculiarly varied duties of each and every legislator.

As to what is and what is not law in this Territory, is a question that not only persons learned and skilled in this science differ, but those even who have been appointed to expound and administer the law differ. It is not clear then to a legal mind, "that we are already provided with an ample and valuable store of laws for the redress of civil wrongs, and the punishment of criminal offences," but, upon the contrary, any one who knows anything about the operation and effect of statutary law, well knows that a more confused state of a legal rule of action could not be imagined, or could not exist, than did exist before this Legislative Assembly was convened; hence there is a crying necessity for speedy legislation upon this subject.

By the act of Congress approved May 7th, 1800, entitled "An act to divide the territory of the United States north-west of the Ohio, into two separate governments," "All that part of the territory of the United States north-west of the Ohio river, which lies to the westward of a line beginning at the Ohio opposite to the mouth of the Kentucky river, and running thence to Fort Recovery, and thence north until it intersected the territorial line between the United States and Canada," was organized into a Territorial government called the "Indiana Territory." This division embraced all the Territory belonging to the United States that was not then erected into State governments, and the laws provided by the ordinance of Congress passed on the 13th day of July, 1787, for the government of the Territory of the United States north-west of the Ohio river, was extended over it, as will be seen by reference to the 2d section of the aforesaid act of May 7th, 1800, in the words following, to wit:

"That there shall be established within the said Territory, a government *in all respects* similar to that provided by the ordinance of Congress passed on the thirteenth day of July, one thousand seven hundred and eighty-seven, for the government of the Territory of the United States north-west of the river Ohio."

By the treaty with the French Republic in 1803, more territory was added to the United States, all under the name of the Louisiana Territory; and by the act of 31st of October, 1803, provision was made for its temporary government. But the government was then *so very temporary*, and the Territory so large, that it became expedient and necessary for Congress, at its next session, to make some further regulation for the government of this vast domain. So an act entitled "An act erecting Louisiana into two Territories, and providing for the temporary government thereof," was passed March 26th, 1804.

By this act, all that portion of the country ceded by France to the United States, under the name of Louisiana, which lies south of the Mississippi Territory, and of an east

and west line, to commence on the Mississippi river at the thirty-third degree of north latitude, and to extend west to the western boundary of the said cession, was constituted a Territory of the United States by the name of Orleans; and by the 3d section of this act the legislative powers were vested in the Governor and thirteen men, chosen by the President, styled the Legislative Council; and in this section these words are found: "The Governor, by and with the advice and consent of said Legislative Council, or a majority of them, shall have power to modify, alter or repeal the laws which may be in force at the commencement of this act." It is not necessary, nor is it our purpose, to inquire how far they may have modified, altered or repealed the laws which were then in force. We find by the 7th section of this same law, a specification of the acts of Congress which were declared to be in force for the "redress of civil wrongs and the punishment of crime;" and also in the 11th section these words: "The laws in force in the said Territory at the commencement of this act, and *not inconsistent with the provisions thereof*, shall continue in force until *altered*, modified or repealed by the Legislature."

There can be no doubt thus far that all the law which these Territories yet had, was that which they derived through the channels of Congress, mediately or immediately—mediately by the acts of Congress extended over them, specifically named and set forth; or immediately by the Legislature thereof, whose powers were also specific.

By the same act the residue of the Province of Louisiana was erected into a Territory by the name of the "District of Louisiana," of which the Territory of Kansas is a part; and section 12 declares. "The executive power now vested in the Governor of the Indiana Territory, shall extend to and be exercised in the said District of Louisiana;" and in section 13 it is declared. "The laws in force in the said District of Louisiana at the commencement of this act, not inconsistent with any of the provisions thereof, shall continue in force until altered, modified or repealed by the Governor and Judges of the Indiana Territory as aforesaid."

To your Committee it seems as clear as a sunbeam, that Congress was always very careful to designate the particular laws by which the Territories erected should be governed, and that no law should be in force, or have effect, in any of these Territories thus erected, except those expressly named and set forth. Or, in other words, no laws were deemed to have force and effect within these Territories, except those clearly specified, as we find that the laws intended by Congress to be in force in the Territories thus erected, are particularly described. For instance, when the Territory of Indiana was organized, we find the act by which it was created, expressly declare that the laws provided by the ordinance of July, 1787, should extend over and be in force in said Territory, and none other, except the acts of Congress specifically mentioned; and after the treaty with France, ceding to the United States all the territory by the name of Louisiana, we find in the several acts passed in relation thereto pursuing the same course; for it is also therein expressly declared in section 7, what acts of Congress shall be in force and extend over both divisions of the same, together with the specific declaration that "the laws in force in the said Territory at the commencement of this act, not inconsistent with the provisions threeof, shall continue in force until altered, modified," &c.

Thus we see that from the organization of the great north-western Territory, down to the time that the remaining portion of this vast and almost boundless Territory was organized under the name of the Territory of Missouri, Congress, in every act organizing Territorial governments, clearly and emphatically declared what particular laws should be in force therein—whether acts of Congress or acts that the various Legislatures of the same from time to time had passed. But in the organic act establishing the Territories of Nebraska and Kansas, we look in vain for any of *these* specifications—we look in vain for any *words* declaring the laws of any particular Territory in force here—we look in vain for any clause by which a legal mind can conclude that Congress designed that any laws, save and except the laws of the United States not locally inapplicable, should be in force in the Territory of Kansas, (unless it be the Territorial laws of the Territory of Missouri,) either expressed or implied. But, upon the contrary, we see everything (by comparing the organic act establishing the Territories of Nebraska and Kansas, with the other acts establishing Territorial governemnts,) which warrants the inevitable conclusion that Congress intended that all the laws of the Territory of Indiana, the laws of the Territories of Orleans and Louisiana, should not have force and effect in this Territory, as no provision in our orgrnic act makes any other specification other than that extending the laws of the *United States* over this Territory, not locally inapplicable.

Having thus rid ourselves of the Territorial laws of the Territory of Indiana, the laws of the District of Louisiana, and the laws of the Territory of Louisiana, we will proceed to inquire how far the laws of the Territory of Missouri may be regarded as in force here.

It must be clear beyond a doubt (if the position hereinbefore taken be a correct one,) that not even a single law made by virtue and in pursuance of the act of Congress, approved June 4th, 1812, entitled, "An act providing for the government of the Territory

of Missouri," can be in force in this Territory; for we find the same (or nearly the same) provisions therein in regard to the extending of law over this Territory, that we have found in regard to the other Territories herein named.

Although section 1 declares "that the Territory heretofore called Louisiana, shall hereafter be called Missouri, *and that the temporary government of the Territory of Missouri* SHALL BE ORGANIZED AND ADMINISTERED IN THE MANNER HEREINAFTER PRESCRIBED;" and although in the 3d section it is also declared that "the General Assembly shall have power to make laws in *all cases*, both civil and criminal, for the good government of the people of the said Territory," and although it is further declared in section 16, "that the laws and regulations in force in the Territory of Louisiana at the commencement of this act, and not inconsistent with the provisions thereof, shall continue in force," &c.; still we cannot believe that Congress, in its wisdom, designed that those laws should have any force or effect over this Territory, after the 30th day of May, 1854. And the reason, to us, is obvious; for had this been the design of the far-seeing statesman who is the father of the bill by which the Territorial governments of Nebraska and Kansas were organized, and other statesmen equally wise and far-seeing, who discussed it in the halls of Congress, the usual clause to effect that purpose would certainly have been inserted in the organic act, and the question would then have been at rest in the minds of those who doubt. But inasmuch as that clause, so necessary and continuously followed up in all other acts of a similar nature, has been omitted, we think the omission was deliberately intended, and that the design of the fathers of this glorious bill, was to render inoperative all laws which had hitherto been in force, not only in Indiana, Orleans and Louisiana, but also in the Territory of Missouri.

Even should this position be untenable, we find from an examination of the Territorial laws of Missouri, so many repealing clauses that it would be wholly unsafe and uncertain to rely upon them for any effectual remedy for the "redress of civil wrongs or the punishment of crime."

We, therefore, after mature deliberation and the examination time and our duties would allow, recommend the passage of an act extending the "Revised Statutes" of the State of Missouri, as revised in 1844 and 1845, over this Territory, so far as they are not locally inapplicable, and so far as they do not conflict with the laws already passed by this Legislative Assembly, or so far as they may not conflict with laws which may yet be passed by this body. And we would further recommend (to remove all doubt) the passage of an act to repeal all laws whatsoever, which may have been considered to have been in force in this Territory on the 1st day of July, 1855.

All of which is most respectfully submitted.

WILLIAM G. MATHIAS, *Chairman.*
F. J. MARSHALL.

MAJORITY REPORT

OF THE SPECIAL COMMITTEE TO WHOM WAS REFERRED HOUSE BILL NO. 79, EXEMPTING SLAVES FROM EPECUTION.

MR. SPEAKER:

The undersigned, Chairman of the special committee to whom was referred House bil No. 79, exempting slaves from sale under execution, beg leave to report the same with amendments, and recommend its passage.

According to the theory of our government, the people are sovereign, and we are their servants. Shall we attempt to change our relative positions with the people, and poise the pyramid of government upon its apex? Who constituted us the almoner of Legislative favors? Are the people to be told that *they* are entitled to "receive *our* favors?"

Is it "fraud" to prevent the household servants of the young bride from being sold to pay the debts of her profligate husband? Is it "fraud" to prevent the infant slave from being torn from the bosom of its mother, and sold under the hammer of the public auctioneer?

Are "slaveholders in the states" "not possessed of as much honor as is generally allotted to man?" (not open for discussion.)

How does the bill "favor the more wealthy class of society to the detriment of the poorer?" The poorer individual might limit his aspirations to the provisions of the exemption laws; but one would suppose that a member of the "more wealthy class of society" would desire the possession, at least of some property other than that which is exempt from sale under execution. However, your committee merely suggest these questions for the consideration of the House. In our opinion they require no answer.

Though your committee report the original bill with amendments, we have re-written the entire bill as amended. The most important modifications recommended by the committee, are intended to legalize the institution of marriage among slaves, and to preserve the relation of parent and child sacred and invulnerable by the rude assaults of fortune. These are not chimeras of Northern origin. The people of North Carolina are agitating this subject, and it will probably soon be brought before the Legislature of that State.—If such a law should be enacted in North Carolina, as it probably will be, other states will no doubt adopt the same policy. It has already been adopted in practice by many of the best planters in Mississippi and Maryland; and your committee deem the subject worthy of serious, deliberate and cautious consideration. Should this bill become a law, slavery, in Kansas at least, will be regarded in a new light, and the enemies of the South will be robbed of the most plausible excuse for their blind and frenzied hostility to our institutions.

The design of the bill is not to compromise with Northern fanaticism, but to dispossess our enemies of their armor—to spike their cannon. How long will they continue to abuse our patience? Is there not room enough for them in Liberia, Jamaica and the Danish Islands? Have they not an open field for the operation of their philanthrophy in Hayti, or St. Domingo, once the queen of the Antilles? The people of this Island have, since the bloody massacre that casts a gloom over their history, been steadily retrograding until they have become a mass of corruption, moral and intellectual.

In 1789, the export of cotton was 7,004,274 pounds; now there is not a pound produced on any part of the island except Gonaives, and even there the product is barely sufficient for consumption.

In 1789, the export of coffee was 76,835,219 pounds; now, the entire product does not probably exceed one half that quantity.

In 1789, the export of indigo was 758,628 pounds; now all that is used on the island is imported from the United States.

In 1789, there were exported 141,000,000 pounds of sugar; now the population obtain their entire supply from the United States.

Such are the consequences and the consummation of triumphant fanaticism. It is no fancy sketch. The statistics and the facts relating to the internal policy of individual states are derived from De Bow's Review—the recognized organ of Southern sentiment, and expounder of Southern principles. Let the wild heresies of the East succeed in Kansas, and who shall arrest the career of Goths, and Vandals, and knightly pilgrims of the North, led on by some modern Attila, Alaric or Peter the Hermit? They look upon Kansas as a mere resting point where their exhausted forces may regale themselves and prepare for future rapine. Let them succeed, and the proud columns of our national fabric will crumble into ruins. The minstrels of the South will drop the lyre and grasp the harp of woe, and wake the mountain echoes with its wail.

Respectfully submitted, &c. M. W. McGEE, *Chairman.*

MINORITY REPORT

OF THE SAME COMMITTEE.

MR. SPEAKER:

The minority of the committee to whom was referred House bill No. 79, exempting slaves from sale under execution, beg leave to make the following report:

However obvious it may be to me that the projector of this bill had in view the strengthening of that cause to which we are all devoted, by the invitation into our Territory of a class of persons who would bring with them both material and interest to protect slave holders in their property in the Territory, yet I am convinced that the bill, if made a law, would work out palpable injustice.

For it would discriminate inequitably and injuriously between two classes of citizens both of whom are equally entitled to share in our protection, and receive our favors, and this discrimination will favor the richer of the two.

It will also hold out inducements to reckless and unprincipled men to invest their whole property in negroes which they know to be exempt from a just liability for their honest debts.

The enjoyment of such immunities by any one class of citizens, would inevitably cause dissatisfaction—a dissatisfaction which would necessarily cause a speedy repeal of the law, which might, with some justice, subject us to reproach.

It would be subversive of the best interest of the people of this Territory to pass a law which would encourage dishonesty and fraud, either in the breast of those who are now inhabitants of our Territory, or of those who may become so; such a law would certainly do both, for men hard pressed in circumstances would if they had the sanction of law, avoid paying an honest debt, and slaveholders in the states, if they were not possessed of as much honor as is generally allotted to man, would take advantage of such a law by removing hither, and our country would thus become a rendezvous for the most reckless class of citizens, and her name and character destroyed.

As honesty is the best policy in individuals so it is in state governments, and any law which would encourage men to a violation of that principle would be very reprehensible.

But it is sufficient reason for the rejection of this bill, that it would favor the more wealthy class of society to the detriment of the poorer—that it is manifestly at variance with the true spirit of republican institutions, and against the interest of our people.

The only grounds upon which the passage of such a bill can be urged, is that it will bolster up the institutions of slavery in the Territory; even for such a purpose, praiseworthy as it is, I do not consider the policy of this bill a necessary one, as I hold that the wild, fertile and beautiful agricultural lands of this Territory afford sufficient inducement to southern men to bring their peculiar property to this country, when they emigrate, and the Legislature of this Territory need only pass such laws as may be necessary to

protect their rights and their property from the hired thieves of abolition states.

Wishing those who come to our country to come with clean hands and pure hearts, and desiring that those who are with us may retain their character, which is an honor to our land, and also desiring the co-operation of men who are pro-slavery from principle, and not interest, and who are led to support the constitution and laws of the country and protect the rights of the slaveholders in pursuance thereof, from a consciousness of duty and patriotism, I would therefore recommend the rejection of the bill, for I am afraid that such a law would tend to draw some such from us.

Respectfully submitted, JOSEPH C. ANDERSON.

REPORT

OF THE COMMITTEE ON BOUNDS OF COUNTIES AND DISTRICTS.

MR. SPEAKER:

The Committee on the bounds of counties and districts, have had under their consideration the organization of counttes, and have instructed me to report the accompanying bill, and to recommend its passage.

The Committee have had much difficulty in establishing proper boundaries, from the fact that a large portion of the Territory is as yet but sparsely settled and all is unsurveyed. They have thus necessarily been forced to select some known and fixed place as the point of beginning, and to define from thence by measure the boundaries of the several counties. In adopting this plan, they believe they have been enabled so to lay off the several counties as to make the counties not only of an area more nearly equal, but that it will be found that the interests of the people in the different portions of the Territory, have been more generally protected than could have been effected in any other mode.

In locating the seats of justice in a portion of the counties, we have acted on information deemed reliable as to the wishes and interests of the people of those counties, and with intent to relieve them from the inconvenience and save them from the expense which would of necessity attend a location of such county seats by any other mode.

In some instances, we have not been snfficiently advised of the wishes or interests of the people, to warrant us in fixting the county seat. In such cases, we have provided that the County Commissioners shall determine the temporary seat of justice; and that, at the next general election, the people of the county shall elect three Commissioners,—a majority of whom shall have power to establish the permanent seat of justice for the county.

The area of the interior counties is made larger than those on the river and line, because we were convinced that the population of the former is not, and can never be, so dense as that of the latter.

The names selected for the several counties, though selected as far as practicable in accordance with the wishes of the representatives of those counties, were, in many cases, selected more to enable us to designate the county, than from any desire to insist on such names; if not acceptable, they can readily be changed to suit the wishes of the House.

In some instances, counties have been organized in which, at this time, there is but a sparse population. They were organized under the conviction that before another Legislative Assembly could meet, they would contain a dense population.

All of which is respectfully submitted.

SAMUEL A. WILLIAMS, *Chairman.*

MINORITY REPORT OF THE JUDICIARY COMMITTEE.

MR. SPEAKER:

The undersigned, a member of the Committee on Judiciary and Criminal Jurisprudence, to which the application of John W. Freeland was referred, makes this his minority report thereon. Finding that I cannot agree with the majority of the Committee, I deem it right and proper that I should give to the House the views and opinions which have influenced my mind to a different conclusion from that of the majority.

In coming to this conclusion, I desire to say that it is not from any opinion of the merits or demerits of the particular case now in question, but that I have my objections upon what seems to me an improper exercise of the power of this Legislature. There can be no question of the right of the Legislature in the premises, nor can there be any as to their ruinous consequences to society, incident to an unrestrained exercise thereof. The three most important events of human life are birth, marriage, and death. The first and last of these are controlled by the laws of God, but the other is left to the institutions of man, and its proper regulation should be a matter of deep concern to all.

This institution is so intimately connected with the very heart of society, that it should be touched with delicate hands. Human legislation has departed from the sacred injunction, that those whom God has joined together, let no man put asunder. There are instances when it is right and proper for the welfare of society that this should be done, but the cases are rare where the proper demands of society require it. Too often it is the result of mutual ill will and immorality, and too often are the tribunals of the country called on to act as the instruments of the immoral practices, rather than from motives of protection of society. The granting of divorces by the courts should be indulged in with the utmost caution, and the power should never be exercised by a legislative body. If the power of the legislature can be invoked for this purpose, why not for any and all others? If it has been concluded proper to refer parties who dispute touching their lives, their property, and their honor to the courts, why not this? Every reason of propriety teaches that this subject should go before the courts, where the proof can be taken more carefully, where the facts can be brought out by searching examination, where witnesses fear the consequences of perjury, where no jarring or improper element is apt to enter, and where both parties are on an equality.

These are the general reasons which have influenced me in offering this report, to say nothing of the fact that in this case no witness was sworn. I would recommend the rejection of this bill.

SAMUEL A. WILLIAMS,
A minority of said Committee.

REPORT

OF THE COMMITTEE ON ELECTIONS.

MR. SPEAKER:

The Committee on Elections, to whom was referred Council Bill No. 92, entitled "An act admitting certain Indians to the right of citizenship," have had the same under consideration, and have instructed me to report as follows:

That notwithstanding the Congress of the United States has conferred upon the Legislative Assembly power to prescribe the qualifications of voters, yet the same act granting said power, contains a limitation of that power, by providing "that the right of suffrage shall be exercised only by citizens of the United States, and those who have declared on oath their intention to become such."

With the limitation, which is part of the identical law under which we must act, it would clearly be an illegal and void "act," and no *law* which would provide that those should be *legal voters* "and entitled to all the privileges of citizenship," who are not citizens of the United States, and have not declared on oath their intention to become such.

The Committee are advised that the uniform construction of the act of Congress, providing a uniform rule of naturalization, is that it does not apply to Indians. Though for some purposes they are treated by the Government of the United States as independent nations, they have never been deemed aliens; and for this reason cannot take the oath prescribed by the act organizing the Territory. Under this limitation, the Committee believe that there is no power in the Legislative Assembly to make Indians citizens of the United States.

The Committee might be induced to urge, by memorial to the President, the propriety of a treaty with a view to making many of the Indians in the Territory citizens; but have concluded that this is properly a matter for action by the several tribes, and by them only.

They, therefore, recommend the rejection of the bill; and add that all the rights of citizenship which any Indian can legally receive, have been granted in the provisions of an act regulating elections, which said act is now before the Council.

JOS. C. ANDERSON, *Chairman.*

REPORT

ON PETITION OF WM. B. LAMB.

MR. SPEAKER:

The committee on Roads and Highways, to whom was referred the petition of Wm. B Lamb and others, asking this Legislature to grant them exclusive privilege to establish a Ferry at the town of Atchison, in Kansas Territory, have had the same under consideration, and beg leave to report the same back to the House and recommend its rejection.

The reasons for so doing are obvious. The present Legislative Assembly of this Territory have already passed a bill granting exclusive privileges for twenty years to a company at that place, and to pass another now would lead to endless confusion and operate as a repeal of the bill already passed. And besides this, it would be placing this House in such a position as would almost compel it to open avenues to all the Legislation already had, and henceforth we might be driven to the necessity to repeal all the laws now upon the record of this House, and by the time the Legislature adjourns, our statute book would be nothing more nor less than one entire repealing clause, at least so far as local legislation is concerned.

We deem it unnecessary to say more, as the reason must be so plain and the course of the committee so unmistakeable, that there can be no question as to the propriety of this course of the committee.

W. G. MATHIAS,
R. L. KIRK,
J. C. ANDERSON.

REPORT OF THE COMMITTEE ON CONVENTION.

MR. SPEAKER:

The special committee to whom was referred House bill No. 128, entitled "An act to provide for a convention," have had the same under consideration, and beg leave to report: That in their opinion it would be premature to provide for the calling of a convention, to form a State Constitution, without first submitting the question to the people at the polls, as to whether they desire such a step to be taken, even if the proposition were conceded that we possess, or will possess by the proposed time, the requisite population.

There are other reasons of importance, which would tend to the conviction, that the bill is premature, which will appear from a mere suggestion. Kansas will apply for admission as a Slave State, and if, admitted at all, it must be done partly by Northern votes. In the present state of fanatical excitement, existing in some of the non-slaveholding States, there is some doubt whether we would be admitted into the Union with a slavery clause in our Constitution, for it will be charged that Kansas does not possess the requisite population, a charge which cannot be statistically and officially refuted.

In view of all the circumstances, the committee are of opinion, that Kansas should not apply for admission into the Union, as long as there is a question as to her *right* to *demand* admission by virtue of the Constitution and Laws of the United States.

The committee herewith propose a substitute to the said bill, which provides the initiatory steps to the calling of said convention.

They would therefore recommend the rejection of said bill, and passage of the substitute.

J. C. ANDERSON, *Chairman.*
O. H. BROWNE,
F. J. MARSHALL.

Agreed to.

RESIGNATION OF S. D. HOUSTON,

MEMBER OF THE HOUSE OF REPRESENTATIVES.

To his Excellency, A. H. Reeder, Governor of the Territory of Kansas:

DEAR SIR:—On the thirtieth day of March last, I was legally elected to a seat in the House of Representatives of this Territory, and received a certificate of election to that effect from you. I now, most respectfully, beg leave to tender you my resignation, with a brief review of some of the principal reasons which have led me thus to vacate my seat at a time when the affairs of Kansas so imperiously demand special legislation.

I cherished the thought that it would be both pleasant and profitable to enjoy the society of older and wiser men than myself in laboring to frame wholesome laws for the regulation of this beautiful land. But I now feel compelled to retire from a position which I can no longer honorably retain, with credit to myself and to the people I have the honor to represent.

Elected as I was by more than a threefold vote over my pro-slavery opponent, a gentleman of intelligence and ability, I felt that I could not honorably disregard the interests and wishes of my constituents, while there remained any just ground on which I could retain my seat. This fact caused me to continue in a position from which, ordinarily, in the circumstances, I should have retired on the reception of my certificate.

The pressing necessities of our people in this wilderness land, destitute as we are in a great measure of wholesome laws, organizations and all those varied benefits which result from a well regulated, civil arrangement, I fetl disposed to pass over much that was clearly illegal, but I am fully convinced that bad as it is to be without law, it is far preferable to an organization effected at the sacrifice of all that is just and noble in individual position, and all that is grand, fundamental and distinguishing in American principles.

In a representative government like ours, many things may and should be passed over; but there is a point, beyond which we cannot go without the most servile surrender of all our rights and liberties. But permit me to briefly specify a few points: *First*, I would call your attention to the fact that at the March election, so far as I can learn, there was not a district, not even my own, which was not visited at some point by a band of invading Missouri voters. At some points, while the polls fell into the hands of numbers and power, many of the *legal* voters, grieved and disgusted, retird from the place without votiing. This assumption of power, so flagrant, so perversive of human rights, so destructive to all civil order, and so utterly repugnant to the grand idea which underlays the whole republican superstructure, was in my opinion, a sufficient reason why I should have returned my certificate of election to you without a moment's hesitation. But I allowed myself to yield to the solicitations of friends, the pressing wants of the country, hoping that such a moderate course would be pursued by the legislative body as would be submitted to by the people.

To retain a seat in such circumstances ordinarily, would be a condescension too inglorious for the spirit of an American freeman, but dishonorable as it would be in older and far differently situated portions of the Union, still I feel that the peculiar and pressing necessities of our situation were such that I was disposed to remain at my post to the present hour, and I have no doubt that these reasons influenced your Excellency to put the most liberal construction on the organic act, and the facts in the case, and to give certificates of election to a number who, you may have felt, were not justly entitled to them.

If the Legislative body thus composed had contented themselves with this preliminary achievement, I should have submitted; but the first triumph seems to have accelerated their progress to new, wilder and more bold assumptions of power, assumptions which are both unreasonable and unconstitutional, and which must, if not checked, precipitate this Territory into a state of complete anarchy.

The second fact I would notice, is that the Legislature had no sooner been organized

at Pawnee, the place to which your message had convened it, than a systematic effort was made to remove from it a portion of its members, obviously for no other reason than that their views were inimical to slavery. These members had their certificates of election from you, and composed more than a fourth part of the Kansas Legislature. These, the real representatives of the districts from which they came, the "duly elected" members of the body, were expelled and their seats given to those who were not legally elected. The introduction of these illegal elements into the Legislature was sufficient to vitiate its doings, and render null and void all its subsequent acts. Still, in the peculiar circumstances, I was disposed to believe that the people would submit to their enactments, but this act, so manifestly illegal, was speedily followed by another which removed the Legislature from the constitutional place of holding its session, and created an additional temporary seat of government for the Territory. This act also obviously contravenes the express provisions of the organic act which we had sworn to support.

Believing as I did, that if a fair expression of opinion could be had in Kansas, it would appear that quite a large majority of the legal voters were decidedly opposed to the present Legislature, and seeing laws passed which positively contravene the express provisions of the constitution which I had sworn to support, led me to think of resigning my seat, and probably caused your Excellency to interpose your official authority to arrest legislative action. This barrier, which your position as Governor of the Territory demanded, and which the people had the right to expect, placed the Legislature in a new and embarrassing position, one in which I had neither inclination nor instructions to act.

These facts, together with the additional one of hearing representatives declare positively that some of the members of the House were *not now* and *never have been* residents of the Territory; but are living in the State of Missouri, caused me, mortified and disgusted at the assumptions of my countrymen, to retire from a position which I could no longer retain with credit or honor to myself, or justice to my constituents.

They have led me to place but little faith in the plant of "Territorial Sovereignty," when placed in the shade of Missouri's overshadowing tree.

Against the members of the Legislature I have no persoual feelings, but on the contrary, while I cannot but feel that their position is utterly subversive of the dearest rights of American citizens, towards them I entertain no feelings but those of kindness.

All of which is most respectfully submitted.

In haste, yours, &c., SAMUEL D. HOUSTON.

RULES AND ORDERS

FOR CONDUCTING BUSINESS IN THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF KANSAS, AND JOINT RULES FOR THE GOVERNMENT OF THE COUNCIL AND HOUSE.

ARTICLE I.—Of the House.

Sec. 1. Any ten members shall be a sufficient number to call a House, send for and compel the attendance of absent members, and make an order for their censure and fine; and a majority of all the members shall be a sufficient number to adjourn.

Sec. 2. No member shall absent himself from the service of the House, unless he have leave, or be sick and unable to attend.

Sec 3. Upon a call of the House, the names of the members shall be called alphabetically, and the absentees noted, after which the names of the absentees shall again be called over, and those who do not appear may be sent for and taken in custody wherever to be found by the sergeant-at-arms, or special messenger to be appointed.

ARTICLE II.—Of the Speaker.

Sec. 1. The Speaker, or, in his absence, the Speaker *pro tem.*, shall take the chair precisely at the hour to which the House shall have adjourned on the preceding day, and immediately call the members to order.

Sec. 2. He shall preserve decorum and order: may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members, upon which appeal no member shall speak more than once, unless by leave of the House.

Sec. 3. He shall rise to put a question, but may state it sitting.

Sec. 4. He shall examine and correct the Journal before it is read. He shall have a general direction and superintendence of the Hall. He shall have a right to substitute any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

Sec. 5. He shall sign all acts, joint resolutions and addresses, and all writs, warrants or subpœnas issued by order of the House, shall be under his hand and seal; attested by the Clerk.

Sec. 6. In case of disturbance or disorderly conduct in the lobby or galleries, he shall have power to order the same to be cleared.

Sec. 7. The House may at any time elect a Speaker *pro tem.*, who, during the session in which he is chosen, shall exercise the office of Speaker during the sickness or absence of the Speaker.

ARTICLE III.—Of the Clerks and other Officers.

Sec. 1. The House shall, at the commencement of each session, and as often as may be necessary, elect a clerk of the House, and as many engrossing and enrolling clerks as may be deemed necessary, a doorkeeper and a sergeant-at-arms, who shall hold their office until the end of the session in which they shall be elected, unless sooner removed by a vote of the members present, shall respectively take an oath to support the constitution of the United States and the organic law of this Territory, and faithfully demean themselves in office, and keep the secrets of the House; which oath shall be administered by the Speaker.

SEC. 2. It shall be the duty of the clerk of the House to attend the House during its sittings; to keep and make out its journals, and seasonably to record all its proceedings; to make out and transmit all its messages, communications, copies and documents to be sent to the Council; to keep, under the direction of the Speaker, regular files of the papers of the House; to attest all writs, warrants and subpœnas issued by order of the House; to keep an account of all fines imposed, and of the attendance and traveling allowance of members. He shall (under the direction of the Speaker) keep a docket of proceedings on all bills, resolutions and acts, and shall execute the commands of the House from time to time.

SEC. 3. It shall be the duty of the engrossing and enrolling clerks, respectively, seasonably to engross, and to enroll, (as the case may be,) in a fair round hand, all bills and resolutions, and acts of the House, or of both Houses, delivered to them for that purpose; and from time to time execute the commands of the House, or such committee as may be appointed on engrossed or enrolled bills.

SEC. 4. It shall be the duty of the doorkeeper to attend the sittings of the House; he shall have the custody and care of the hall and furniture of the House during the session, subject to the order of the Speaker; shall furnish water for the use of the members; shall make and keep on fires when required, and superintend the purchase of fuel and necessary utensils; shall permit no person to come or remain within the bar, only such as are admitted by the rules and orders of the House; he shall announce all messages or communications from the Governor or Council, and admit the bearer within the bar; he shall from time to time execute the commands of the Speaker in relation to his duties, and to the arrangements and regulations of the hall, and shall obey such other orders as may be made by the House.

SEC. 5. It shall be the duty of the sergeant-at-arms to attend the House during its sitting; to execute the commands of the House from time to time, together with such process, issued by authority thereof, as shall be directed to him by the Speaker.

ARTICLE IV.—OF COMMITTEES.

SEC. 1. Fourteen Standing Committees shall be appointed, viz.:

A Committee on Judiciary and Criminal Jurisprudence.
A Committee on Finance.
A Committee on Education.
A Committee on Militia.
A Committee on Seat of Government.
A Committee on Elections.
A Committee on Accounts.
A Committee on Engrossed Bills.
A Committee on Public Printing.
A Committee on Federal Relations.
A Committee on Public Buildings.
A Committee on Roads and Highways.
A Committee on Agriculture.
A Committee on bounds of Counties and Districts.

SEC. 2. It shall be the duty of the committee on Judiciary and Criminal Jurisprudence, to take into consideration and report all such matters, reports and propositions touching the judges, the courts, or the judicial department of the government, as may be referred to them by the House; to examine into laws regulating judicial proceedings, and the time and place of holding courts, and the fees of officers of courts, and from time to time report such provisions and arrangements as may be necessary to improve the administration of justice, and the accountability of the officers of the several courts, and to regulate their fees; to take into consideration all matters, reports and propositions touching the laws for the arrest, trial and punishment of offenders, and from time to time report such provisions and arrangements as may be necessary to improve the administration of criminal justice, and to secure the just accountability of the officers concerned therein; to take into consideration all petitions and matters referred to them relating to justices of the peace, and proceedings before them, and their powers and duties; to examine all laws relating to proceedings before justices of the peace, their powers and duties, and to report their opinions thereon, together with such bills and propositions for the better regulation thereof, and promote the administration of justice as they may deem expedient.

SEC. 3. It shall be the duty of the committee on Finance to inquire into the state of the finances, the revenue and expenditure of the Territory, and report from time to time their opinion thereon; to examine into the state of the several public departments, and particularly into the laws making appropriations of money, and report whether the

moneys have been disbursed conformably to such laws, and report from time to time such provisions and arrangements as may be necessary, touching the finances, revenues, and expenditures, and appropriation of public moneys, or which may add to the economy of the departments, and the accountability of their officers.

SEC. 4. It shall be the duty of the committee on Education to take into consideration all petitions and matters referred to them, relating to schools, and the lands granted for their support; to inquire into the situation of the lands appropriated for the support of schools, and of the funds arising therefrom, and report their opinions thereon, together with such bills and propositions as they may deem expedient for preserving the said lands from waste and damage, for the renting, leasing, improvement, or other disposition thereof, and for applying the funds arising therefrom, to the establishment and support of schools, for the encouragement of the means of education, and promotion of literature, pursuant to the terms of the grant made by the United States.

SEC. 5. It shall be the duty of the committee on Militia to take into consideration all petitions, matters and things touching the militia, as may be referred to them; and to examine the laws relating to the militia; and from time to time report their opinions thereon; and report such bills and propositions as to them shall seem expedient for the well organizing, governing, disciplining and regulating the militia.

SEC. 6. It shall be the duty of the committee on the Seat of Government, to take into consideration all petitions, reports, matters and things referred to them, touching the seat of government and the regulation thereof; the improvement of the streets, avenues and alleys therein; to examine all laws in relation thereto, and report their opinions thereon, together with such bills and propositions touching the same as they may deem expedient.

SEC. 7. It shall be the duty of the committee on Elections to examine and report upon the certificates of election, or other credentials of the members returned to serve in this House; to examine all laws regulating elections, and report such alterations and amendments as they may deem necessary; and to take into consideration all petitions and other matters relating to elections and returns, as shall be presented or come in question, and be referred to them by the House.

SEC 8. It shall be the duty of the committee on Accounts to superintend and control the contingent expenses of the House, and to audit and settle all accounts of contingent expenses; and to audit the accounts of the members for their travel to and from the seat of government, and their attendance in the House, and deliver their report to the clerk.

SEC. 9. It shall be the duty of the committee on Engrossed Bills, or any of them, to examine all bills ordered to be engrossed; to correct all clerical, orthographical or grammatical errors; to arrange the punctuation before they are delivered to the engrossing clerk for engrossment; to examine all engrossed bills before they are returned to the House to be read a third time; to carefully compare them with the bills as delivered to the clerk, correct any errors, if practicable, without defacing the bill, and deliver the same to the clerk of the House, with the words "truly engrossed" endorsed thereon, signed by a member of the committee on Engrossed Bills.

SEC. 10. It shall be the duty of the committee on Public Printing to take into consideration all matters and propositions for printing, or relating to the same, and which shall be referred to them, and report their opinion thereon.

SEC. 11. It shall be the duty of the committee on Federal Relations to take into consideration all reports, propositions, matters and things referred to them, touching amendments to the Constitution of the United States, the relations of this Territory with the United States, or any State of the Union.

SEC. 12. It shall be the duty of the committee on Public Buildings to take into consideration all petitions, reports, propositions and other matters referred to them, relating to the Capitol and other buildings of the Terrritory, the grounds appurtenant thereto, and the regulation and improvements thereof, and to examine the laws in relation thereto, to investigate the expenditures on account thereof, and to report the same to the House.

SEC. 13. It shall be the duty of the committee on Roads and Highways to take into consideration all petitions, matters and things that may be referred to them touching roads, bridges and ferries; to examine into the laws in relation thereto, and report their opinion thereon, together with such bills and propositions as to them shall seem expedient and proper.

SEC. 14. It shall be the duty of the committee on Agriculture and Manufactures to take into consideration all such petitions, propositions, matters and things, as shall be referred to them by the House, touching agriculture and manufactures, and the improvement thereof, and report the same to the House.

SEC. 15. It shall be the duty of the committee on bounds of Counties and Districts, to take into consideration all matters, reports and propositions relating to the boundaries

of the counties and the several districts in the Territory, and make a full report in relation thereto to the House.

SEC. 16. All standing committees shall consist of five members, each to be appointed by the Speaker.

SEC. 17. All select committees shall consist of three members, unless otherwise ordered by the House.

SEC. 18. All committees, unless otherwise ordered, shall be appointed by the Speaker.

SEC. 19. No committee shall sit during the sitting of the House, without special leave.

ARTICLE V.—ON BILLS, &c.

SEC. 1. Every bill shall be introduced by motion for leave, or by order of the House, or the report of a committee; one day's notice at least shall be given of a motion of leave to bring in a bill, and the member giving such notice shall state concisely the leading object of the bill, for the information of the House, which motion may be committed.

SEC. 2. Every bill shall receive three several readings, on three different days previous to its passage, unless two-thirds of the House shall previously dispense with this rule.

SEC. 3. Every order, resolution or vote to which the concurrence of the Council shall be necessary, except for adjournment, shall be read and laid on the table, one day at least before its passage, unless the House shall dispense with this rule.

SEC. 4. The first reading of a bill shall be for information, and if opposition be made to it, the question shall be, "shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

SEC. 5. Upon the second reading of a bill, the Speaker shall state that it is ready for commitment or engrossment, and if committed, then the question shall be whether to a select committee or a committee of the whole house; if to a committee of the whole house, it shall be committed generally, and taken up in order; and every bill of more than one page of manuscript shall be printed as matter of course, unless otherwise ordered by the House; but if it be ordered to be engrossed, the House shall appoint on what day it shall be read a third time.

SEC. 6. All bills ordered to be engrossed shall be executed in a fair, round hand.

SEC. 7. Any bill or other matter, may be re-committed at any time before its passage.

SEC. 8. When a bill or joint resolution passes, it shall be certified by the clerk; noting the day of its passage at the foot thereof.

SEC. 9. Petitions, memorials and other papers addressed to the General Assemby, or the House, shall be presented by the Speaker or by a member in his place, a brief statement of the contents thereof shall be verbally made by the introducer, and shall be read by the clerk, unless the reading be dispensed with.

SEC. 10. If a motion be made to refer a petition, memorial, or paper to a standing committee, it shall be so ordered by the Speaker without a question, unless such reference be objected to.

ARTICLE VI.—OF THE ORDER OF THE BUSINESS OF THE DAY.

SEC. 1. On the appearance of a quorum, the journals of the preceding day shall be read.

SEC. 2. After the journals are read, business shall be disposed of in the following order:

Petitions, memorials, and remonstrances.
Reports from standing committees.
Reports from select committees.
Propositions and motions.
Second reading of bills, &c.
Engrossed bills read a third time.
Bills, reports and other business lying on the table.
Bills and other business from the Senate.
Other business of the House.
The orders of the day.

SEC. 3. The Speaker shall on each day announce to the House the business in order, agreeably to the preceding rule, and no business shall be taken up and considered until the class to which it belongs be declared to be in order; but communications from the Governor may be read, and reports from the committee on enrollments received, at any time, and the unfinished business in which the House was engaged at the last preceding adjournment, shall have preference of the orders of the day.

ARTICLE VII.—Of Proceeding, Decorum and Debate

Sec. 1. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to "Mr. Speaker," shall confine himself to the question under debate, and avoid personality.

Sec. 2. When two or more members rise at once, the Speaker shall name the member who is first to speak, the others arising having the preference next to speak.

Sec 3. When a motion is made and seconded, it shall be handed to the Chair, and read aloud by the clerk before debated.

Sec. 4. No motion shall be stated or debated until it is seconded; and when stated by the Speaker or read by the clerk, shall be deemed in possession of the House, but may be withdrawn at any time before a decision or amendment.

Sec. 5. Every motion shall be reduced to writing if the Speaker or any member desire it.

Sec. 6. No new motion or proposition shall be admitted under color of amendment, as a substitute for the motion or proposition under debate

Sec 7. When a question is under debate, no motion shall be received, but to adjourn, to lay on the table, for the previous question, to postpone indefinitely, to postpone to a day within the session, to commit or amend; which several motions shall have precedence in the order in which they are in this section arranged.

Sec. 8. A motion to adjourn should always be in order, unless a member is speaking, and be decided without debate, and no member shall leave his seat until the result is declared.

Sec. 9 The previous question shall be in this form: "Shall the main question now be put?" It shall only be admitted when demanded by two-thirds of the members present and until it is decided, shall preclude all amendment and further debate, and shall be decided without debate.

Sec. 10. Any member may have, as a personal right a division of the question, where the sense will admit of it.

Sec. 11. Motions and reports may be committed at the pleasure of the House.

Sec. 12. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by the vote of the House.

Sec. 13. No member shall speak more than twice on the same question, without leave of the House, nor more than once, until every member choosing to speak shall have spoken.

Sec. 14. No member shall name another in debate.

Sec. 15 If any member in speaking or otherwise shall transgress the rules of the House, the Speaker shall, and any member may, call him to order, in which case the member so called to order shall immediately sit down unless permitted to explain; and the House shall, if appealed to, decide the case without debate. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed, if otherwise, and the case require it, he shall be liable to the censure of the House.

Dec. 16. All questions shall be pronounced in the order in which they were moved, except privileged questions, which shall be propounded as stated in the 7th section of this article; and in filling up blanks, the largest sum and the longest time shall be first put.

Sec. 17. Whilst the Speaker is putting any question, or addrssing the House, none shall walk out or across the House, nor in such case, or when a member is speaking, or the journals reading, shall entertain private discourse, nor whilst a member is speaking, shall pass brtween him and the Chair.

Sec. 18. Qustions shall be distinctly put in this form, to wit:—"As many as are of opinion that (as the case may be) say 'aye;'" and after the affirmative voice is expressed, "as many as are of the contrary opinion say 'no.'" If the Speaker doubts, or a division is called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative; if the Speaker still doubts, or a count be required, he shall name two members, one from each side, to tell those in the negative; which being also reported, he shall rise and state the decision of the House.

Sec. 19. No member shall vote on any question in the event of which he is immediately or particularly interested, or in any case in which he was not present.

Sec. 20. Every member who shall be in the House when a question is put, shall give his vote, unless the House for special reasons shall excuse him, and no member without the bar shall vote or be counted in a division.

Sec 21. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

Sec. 22. When a motion has once been made and carried, in the affirmative or negative, it shall be in order for any member who voted on that side which prevailed, to move a reconsideration thereof on the same day, or within three days, but not thereafter, nor at

any time after the paper on which the vote passed is out of the possession of the House, or the vote shall have been communicated to the Council.

SEC. 23. The yeas and nays on any question shall be entered on the journals at the desire of any two members, if requested, before the question is put.

SEC. 24. On taking the ayes and nays on any question, the names of the members shall be called alphabetically, except the Speaker, who shall be called last; each member shall answer from his seat, and the absentees be noted, and the names of the absentees again called over.

SEC. 25. In all cases of election by the House, and when the ayes and nays are taken, the Speaker shall vote; in other cases he shall not vote unless the House is equally divided, or unless the vote, if given to the minority, will make the division equal, and in case of such equal division the question shall be lost.

SEC. 26. All questions relating to the propriety of business to be acted on shall be decided without debate.

SEC. 27. Whenever confidential communications are received from the Governor or Council, the House shall be cleared of all persons except the members, clerks, sergeant-at-arms and door-keeper, and so continue during the reading of such communications, and unless otherwise decided by the House, during all debates and proceedings to be had thereon; and when the Speaker, or any other member, shall inform the house that he has a communication to make, which he conceives ought to be kept secret, the House shall in like manner be cleared till the communication be made, and the House determine whether the matter required secresy or not, and act accordingly.

SEC. 29. The rules of parliamentary practice, comprised in Jefferson's Manual, shall govern the House in all cases in which they are applicable, in which they are not inconsistent with the standing rules and orders of the House, and the joint rules of the Council and House of Representatives.

ARTICLE VIII—OF COMMITTEES OF THE WHOLE HOUSE.

SEC, 1. It shall be a standing order throughout the session, for the House to resolve itself into a committee of the Whole House on the state of the Territory.

SEC. 2. In forming a committee of the Whole House, the Speaker shall leave his chair and a chairman preside in committee, who shall be appointed by the Speaker.

SEC. 3. Upon a bill being committed to committee of the Whole House, the same shall be first read throughout by the clerk, and again read and debated by clauses, leaving the preamble to be the last considered; after report, the bill shall be again subject to debate, and amended by clauses, before a question for engrossing be taken.

SEC. 4. All amendments made to an original motion in committee shall be incorporated with the motion, and so reported.

SEC. 5. All amendments made to a report, resolution or other matter committed to a committee of the Whole House, shall be noted and and reported as in case of bills.

SEC. 6. The rules of proceedings in the House shall be observed in committee of the Whole House, as far as they are applicable, except that limiting the number of times of speaking.

SEC. 7. A majority of the members elected shall be a quorum to do business. And if at any time a sufficient number shall not be present in committee of the whole, the committee shall rise, the Speaker resume the chair, and the chairman report the cause of the rising of the committee.

SEC 8. A motion for the rising of the committee of the whole, shall always be in order, unless a member is speaking, and be decided without debate.

ARTICLE IX—OF ADMISSIONS WITHIN THE HALL.

SEC. 1. No persons except members of the Council and the officers thereof the Governor, Secretary of State, Judges of the Territory' Attorney General, Governor's Private Secretary, Marshal of the Territory, and such gentlemen as have received the permission of the House, shall be admitted within the Hall of the House.

ARTICLE X—OF AMENDING RULES.

SEC. 1. No standing rule or order of the House shall be rescinded or changed, or new rules introduced without one day's notice therefor.

SEC. 2. No standing rule or order of the House shall be dispensed with, unless two-thirds of the members present concur therein, and all motions for that purpose shall be limited to the question or proposition.

All of which is respectfully submitted,

JOSEPH C. ANDERSON,
Chairman.

REPORT

OF THE COMMITTEE ON PUBLIC PRINTING.

MR. SPEAKER:

The Committee onPrinting beg leave to report, that they have examined the within report of the Public Printer, which shows a full statement of the amount of printing done for the use of this House up to the date thereof. They further state, that they have carefully examined the same and find it correct according to the proof of copies of work done, and beg leave to submit said report as a part of this report.

H. D. McMEEKIN,
Chairman.

SHAWNEE MANUAL LABOR SCHOOL,
August 27th, 1855.

To the Honorable Chairman of Committee on Printing for the House of Representatives of the Territory of Kansas:

The undersigned begs leave respectfully to make the following report, as containing a correct statement of the amount of incidental printing done by order of the said House:

1855.					TOKENS	EMS
July 23	To	200	copies	of Rules of House,	1	24000
" "	"		"	Special notice for Sergeant-at-Arms,	1	2000
" "	"	100	"	Copies blank ballots,	1	7000
" 24	"	50	"	Of an act to prevent trespass	1	5000
" "	"		"	Copies bill heads for House,	1	2000
" "	"	300	"	Kansas Bill or Organic Law,	2	20,000
" "	"		"	Labels	1	1,000
" "	"	50	"	An act concerning marriage contracts,	1	5,500
" "	"	50	"	An act regulating marriages,	1	13,000
" 25	"	50	"	Judiciary Report,	1	4,000
" 26	"		"	Blank Ballots,	1	7,000
" "	"	2000	"	Veto Message of the Governor and Memorial to President Pierce,	9	21,600
" 27	"	50	"	An Act concerning Commissioners and Surveyors,	1	10,000
" 30	"	50	"	An Act to incorporate the Kansas Valley Railroad,	1	24,000
" "	"	50	"	An Act to incorporate the Leavenworth and Pawnee Railroad,	1	40,000
Aug 1	"	200	"	Of Kansas Bill or Organic Law, with all the Acts of Congress supplemental thereto, Twelve pages,	2	32,000
" 5	"	50	"	Of and act to organize and define the boundaries of counties, (d. presswork,) and Report of Committee thereon,	2	30,000
" "	"	50	"	An Act regulating Interest and Report of Committee thereon, (double presswork,)	2	20,000
" 9	"		"	Minority Report, by Mr. Anderson,	1	5,000
" 10	"	50	"	An Act concerning Elections, (dou. presswork)	2	20,000
" 11	"		"	An act to exempt certain property from execution,	1	5,000
" 14	"	100	"	Blank Ballots,	1	7,000
	Amoun carried forward.				35	305,100

		Amount brought forward.			35	305,100
Aug. 17	"	50	"	An Act to incorporate the Atchison Bank of Kansas Territory, (double presswork,)	2	24,000
" "	"	5000	"	Of Opinion of Supreme Court of the Territory,	21	33,000
" 23	"	1000	"	Of an Act to punish offences against Slave property,	5	10,800
" 25	"	100	"	Blank Ballots,	1	7,000
" 27	"	50	"	An Act to incorporate the Leavenworth Bank, (double presswork,)	2	24,000
" "	"	1000	"	Of Report on the Governor's Message,	5	21,600
Total,					77	425,500

Also, is submitted a copy of every job for inspection, all of which is most respectfully submitted.

JOHN T. BRADY,
Public Printer for the Legislative Assembly of the Territory of Kansas.

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On motion to reject amendment to section 35, of said bill, 211.
On agreeing to the amendment to section 35, of said bill, making Lecompton the county seat of Douglas county, 211.
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On motion to excuse Mr. Anderson from voting on said bill, 214.
On motion to recommit section 4 of the bill, entitled an act to regulate elections, 214.
On motion to suspend the rule, and read a second time, an amendment to section 4, of said bill, 215.
On the passage of section 4, of said bill, 215.
On motion to reject the bill, entitled an act to locate and establish a Territorial road, from Lewis' Point on the Missouri river to a point on the Grasshopper creek, 228.
On final passage of the bill, entitled an act to locate the seat of government, 229.
On motion to adjourn, 230.
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On agreeing to the amendment to bill, entitled an act to license and tax merchants, 242.
On motion to reject House amendment to Council amendment to the bill, entitled an act to provide for paying the clerks of the Legislative Assembly of the Territory of Kansas, 245.
On agreeing to the resolution, requiring the Committee on Roads and Highways, to report certain bills, 246.
On agreeing to amendment to section 1, of the bill, entitled an act to incorporate the Leavenworth and Lecompton Railroad Company, 248.
On motion to reject the bill, entitled an act concerning a Territorial printer, 252.
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On motion to reject first clause of the amendment to bill, entitled an act to incorporate the Atchison Bank of Kansas Territory, 257.
On agreeing to second clause of the amendment to said bill, 258.
On motion to suspend the rule, and read a second time, the amendment to section 18, of said bill, 258.
On final passage of said bill, 259.
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On final passage of the bill, entitled an act to incorporate the Leavenworth, Pawnee and Weston Railroad Company, 266.
On motion to reconsider the vote, ordering one thousand copies of Mr. Mathias' Report to be printed, 268.
On the rejection of amendment to bill, entitled an act to incorporate the Eugatah Association, 268.
On agreeing to said amendment, 269.
On motion to insist on House amendment to Council amendment to House bill, to provide for paying the clerks of the Legislative Assembly, 275.
On receding from said amendment, 275.
On motion to disagree to Council amendment to bill, regulating elections, requiring the vote to be by ballot, 276.
On final passage of the bill, incorporating the Kansas River Railroad Company, 278.
On agreeing to Mr. Stringfellow's amend-

ment to concurrent resolution in relation to the removal of Judges, 279.
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On motion to reject amendment to bill, providing for the removal of seats of Justice, 286.
On motion to suspend the rule, and read a second time, the amendment to section 2, of the above bill, 286.
On motion to lay said bill on the table, 287.
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On motion to suspend the rule, and read a third time, the bill for the collection of the revenue, 289.
On motion to suspend the rule, and read a third time, the bill incorporating the Leavenworth Jail Association, 292.
On motion to refer the bill relocating the seat of Justice of Douglas county, to the committee on bounds of counties and districts, 295.
On motion to suspend the rule, and read a third time, Council amendment to bill, providing for the erection of the capitol and other public buildings, 301.
On motion to suspend the rule, and read a third time, Council amendment to said bill, 302.
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On motion to take up said bill, 315.
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On motion to adhere to its disagreement to Council amendment to House bill to regulate elections, 341.
On motion to reject amendment to section 6, of the bill to incorporate the Leavenworth Bank, 341.
On passage of said bill, 342.
On resolution, requiring Committee on Bounds of Counties to report, 344.
On motion to reject the bill to exempt slaves from sale under execution, 348.
On agreeing to report of committee on the Judiciary on bill to protect married women, 354.
On motion to postpone said bill, 355.
On passage of said bill, 358.
On sustaining the chair, 360.
On motion to reject amendment to bill to fix the salary of Treasurer and Auditor, 362.
On passage of bill to establish the Statutes of the Territory of Kansas, and for other purposes, 363.
On passage of resolution in relation to printing the laws, 369.
On motion to reject Council amendment to bill to establish the Statutes of the Territory of Kansas, 370.
On passage of the bill to incorporate the Kansas, Nebraska and Utah Stage Company, 372.
On appeal from the decision of the chair, 376.
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An act to incorporate the Leavenworth Bank, 341.
Resolution requiring the Committee on Bounds of Counties and Districts to report a certain bill, 243.
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BANKS, JOHN M.—
Representative from the Second Representative District, appeared and took his seat, 24.
Appointed chairman of the Committee on Agriculture, 37.
Petition of William H. R. Lykins, Thomas Christian, Henry D. Graves, James F. Long, and others, praying the granting of a charter to John Baldwin to keep a ferry across the Kansas river at the town of Lawrence, 56.
Report of the Committee on Agriculture, 106, 140, 153, 297, 298, 349.
Moved to amend Section 35 of the bill defining the boundaries of counties, &c., 211.
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BAKER, A. J.—
Representative from the Fifth Representative District, appeared and took his seat, 3.

BLAIR, JOEL P.—
Representative from the Twelfth Representative District, appeared and took his seat, 3.
Petition of Henry Thompson, in relation to the establishment of a steam ferry on the Missouri river, opposite St. Joseph in Missouri, 43.
Report of Select Committee in relation to the establishment of a ferry on the Missouri river, opposite St. Joseph, 50.
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BROWNE, O. H.—
Representative from the Third Representative District, appeared and took his seat, 24.
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An act to view and mark out a road from 110, via Glendale and the town of Douglass, to intersect the military road from Fort Leavenworth to Fort Riley, 57.
Moved to take up bill declaring certain roads public highways, 70.
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Resolution in relation to the enacting clause of bills, 76.
Resolution in relation to reports of committees, 116.
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Moved a reconsideration of the vote passing council bill, entitled "an act designating the pay of certain officers," 217.
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An act to incorporate the Mount Vernon Town Company, 244.
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Moved to amend Sec. 25 of said bill, 259.
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An act to incorporate Douglass Town Company, 266.
Presented the petition of Wm. McKinney, J. R. McKinney, Reuben Hackett and others for the re-location of the county seat of Douglas county, 294.
Report of Committee on Roads and Highways, 304.
Nominated George W. Johnson, and John M. Banks for County Commissioners of Douglass county, 327.
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An act to incorporate the Lecompton Bridge Company, 51, 59, 72, 85, 111, 124, 163, 183, 189, 224.
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An act to view and mark out a road from 110, via Glendale and the town of Douglas, to intersect the military road from Fort Leavenworth to Fort Riley, 57, 77, 79, 80, 133, 170, 179, 191.
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CRAMER, THOMAS J. B.—
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HARRIS, H. B. C.—
Representative from the 13th Representative District, appeared and took his seat, 3.

Moved that James M. Lyle be appointed chief clerk pro. tem., 3.
Nominated Thomas I. B. Cramer for sergeant-at-arms, 5.
Demanded the ayes and noes, 26, 206, 207, 212, 269.
Nominated A. B. Hazard for Public Printer, 32.
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Nominated W. J. Osborne for engrossing clerk, 103.
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Moved to amend bill preventing non-residents from grazing stock in Kansas Territory, 180.
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Moved to amend by way of Rider Bill to establish the office of County Treasurer, 204.
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Report of select committee to regulate the practice of medicine, 337.

HIESKELL, WILLIAM A.—
Representative from the 7th Representative District, appeared and took his seat, 3.

Appointed chairman of the committee on Finance, 36.
Report of the committee on Engrossed Bills, 71.
Report of committee on corporations, 137.
Report of select committee on Bill appropriating certain funds for the support of common schools, 144.
Report of the committee on Finances, 160, 297, 307, 363.
Report of the committee on Agriculture, 179.
Report of the committee on Enrolled Bills, 194, 349, 350, 356, 358, 361, 363, 365, 371, 372.
An act to incorporate the Town of Paola, 300.

HOUSTON, SAMUEL D.—
Representative from the 8th Representative District, appeared and took his seat, 3.

Resolution in relation to the times of meeting of the House during the present session, 9.
Minority report on credentials, 21.
Nominated S. P. Higgins & Co. for Public Printers, 32.
Letter of resignation, (see Appendix.)

HUTCHINSON, JOHN—
Representative from the 2nd Representative District appeared and took his seat, 3.

Moved the appointment of three to prepare rules for the permanent organization of the House, 6.
Moved the appointment of a committee to act in conjunction with a council committee to wait on the Governor, 7.

JESSEE, WILLIAM—
Representative from the 3rd Representative District, appeared and took his seat, 3.

Nominated Mr. Huttleson for Sergeant-at-arms, 5.

JOHNSON, ALEXANDER S.—
Representative from the 1st Representative District, appeared and took his seat, 3.

Nominated Mr. Anderson for Speaker pro. tem., 6.
An act to declare the Santa Fe road a Territorial Road, 50.
An act to mark out and view a road from the eastern boundary line of the Territory of Kansas, near Westport, Jackson County, Mo., a part of the way, and to declare a part of the road, as the present road which now runs to Fort Leavenworth, a Territorial Road, 60.
Demanded the ayes and noes, 64, 76, 125, 264.
An act to declare a certain road from the Shawnee Methodist Church south to the Town of Tecumseh, a Territorial Road, 74.

Moved to take up Bill to charter a ferry at the Town of Lawrence, in Kansas Territory, 97.
An act to view and mark out a road from Black Jack Point, on the Santa Fe road, thence by the way of Joab M. Bernard's store to a point on the Santa Fe road, at or near McGee's, on One Hundred and Ten Creek, 107.
Report of select committee upon said Bill, 185.
Nominated St. Bernard for seat of government, 186.
An act to establish a ferry at the mouth of the Kansas River, across said River, 212.
Petition of George McDougal, Graham Rogers, Captain Blackhoof, and others, for a law prohibiting the sale of liquor, 217.
Petition of Perry Fuller, J. C. Hughes, Levi Doty, and others, for a prohibitory liquor law, 240.
Resolution requiring the Committee on Roads and Highways to report certain Bills, 245.
Moved an amendment to Bill restraining dramshops and taverns, 264.
Moved to take up certain Bills, 310.
Nominated Horace A. Hutchison for District Attorney for second Judicial District, 334.
Report of committee on bounds of Counties and Districts, 344.

JUDICIARY AND CRIMINAL JURISPRUDENCE—
Committee on, 36.

KIRK; R. L.—
Representative from the 11th Representative District, appeared and took his seat, 3.
Nominated James Christian for Engrossing Clerk, 10.
Nominated James Christian for Enrolling Clerk, 10.
Nominated R. S. Kelley for Public Printer, 32.
An act for securing liens to mechanics and others, 44.
A bill to establish a ferry at Lewis' Point, in Kansas Territory, 46.
Petition of Henry Adams, Robert. S. Kelley, J. H. Blassingame, and others, for a ferry at the town of Atchison, to be owned by Messrs. Million, Burns and Brothers, 49.
Report of Committee on Roads and Highways, 79, 88, 98, 119, 120, 126, 127, 138, 139, 140, 141, 150, 154, 160, 165, 167, 176, 183, 190, 191, 196, 197, 202, 219, 231, 240, 281, 297, 349.
Demanded the ayes and noes, 80, 85, 90, 202, 228, 230, 268, 289.
An act for a Territorial road, from the town of Atchison to the town of Doniphan, 97.
An act entitled an act to establish a Territorial road, from Atchison via Mt. Pleasant to Hickory Point, on the Military road, from Fort Leavenworth to Fort Riley, 130.
An act to locate and establish a Territorial road, from the town of Atchison to the town of Osawkee, 146.
Moved to amend by way of Rider, bill to authorize James Finley to establish a bridge across the Wakarusa river, 156.
Petition of G. Sprague, Wm. C. Baker, Wm. C. Remington, and others, for a Territorial road, from Mt. Vernon to Calhoun, 183.
An act to locate and establish a Territorial road, from the town of Mount Vernon, on the Missouri river, to the town of Calhoun, on the Kansas river, 185.
An act to locate and establish a Territorial road from the town of Atchison, to the town of Iola, in the Territory of Kansas, 199.
Moved to amend by way of rider, sect. 35, of the bill defining the boundaries of counties, &c., 210.
An act to locate and establish a Territorial road from Lewis' Point, on the Missouri river, to a point on the Grasshopper creek, 228.
Moved to amend the bill to license and tax merchants, 242.
An act to repeal all laws hitherto in force in this Territory, 243.
Moved to amend bill to establish a Territorial road, from a point opposite Boston, Mo., to a point on the California road, at or near the Half-way Grove, in the Territory of Kansas, 251.
An act prescribing certain regulations touching Territorial roads, 288.
Resolution in relation to the resignation of Samuel D. Houston, 266.
Nominated James A. Headly for Probate Judge of Atchison county, 322.
Nominated William Young and James M. Givens for County Commissioners of Atchison county, 322.
Nominated Wm. C. McVay for Sheriff of Atchison county, 323
Nominated J. C. Thompson for Probate Judge; Jesse Anderson and John Bilew for County Commissioners, and James E. Thompson for Sheriff of Nemaha county, 332.
Moved to amend bill to establish the Statutes of the Territory of Kansas, 362.

LADD, ERASTUS D.—
Representative from 2nd Representative District, appeared and took his seat, 3.

MARSHALL, FRANKLIN I.—
Represeutative from the 9th Representative District, appeared and took his seat, 3.
Moved that Mr. Anderson be called to the chair, 3.
Moved that Thomas J. B. Cramer be appointed Sergeant-at-Arms, pro. tem., 3.
Nominated John Martin for Assistant Clerk, 5.
Nominated J. C. Thompson for Engrossing Clerk, 10.
Petition of Louis Trombly for bridge across Vermillion branch of Big Blue river, 42.
Resolution requiring the Sergeant-at-Arms to request of the Governor a copy of the acts of Congress passed in 1850, and also a copy of the laws of Massachusetts passed in 1855, 48.
Appointed Chairman of the Committee on Militia, 37.
An act to incorporate the Lecompton Bridge Company, 51

An act to charter a ferry at the town of Lawrence, in Kansas Territory, 57.
Report of the Committee on Judiciary and Criminal Jurisprudence, 67, 339.
An act supplemental for the qualifications of voters, 115.
Resolution in regard to printing, 121.
An act to incorporate the Atchison Town Company, 122.
Petition of Thomas Yates, James E. Bruce, and others, for a road to be established, from the town of Delaware to the town of Lawrence, 185.
Nominated James Doniphan for Probate Judge, A. G. Woodward and S. J. Cramer for County Commissioners, and A. S. Clark for Sheriff of Marshall county, 333.
Report of Select Committee on the Boundaries of Doniphan, Atchison and Leavenworth counties, 188.
An act to incorporate the Lecompton Town Company, 201.
An act regulating ferries in the Territory of Kansas, 205.
An act to charter a ferry across the Missouri river, at the town of Palermo, 205.
An act to incorporate the Delaware Town Company, 205.
Report of Select Committee on bill to organize the county of Arapahoe, 228.
An act to incorporate the Kansas Mining Company, 228.
Moved to take up bill authorizing James Findley to establish a bridge across the Wakarusa river, 246.
Moved to take up bill incorporating the Atchison Bank of Kansas Territory, 247.
Moved to amend bill incorporating the Leavenworth and Lecompton Railroad Company, 248.
Resolution in relation to printing, 265.
An act to prohibit incorporated Companies from dealing in real estate, 267.
Report of the Committee on Corporations, 272.
Moved to amend sect. 11, of bill regulating elections, 276.
Moved to take up bill for the collection of the revenue, 277.
An act to incorporate the city of Lecompton, 288.
An act supplemental to an act, entitled an act to provide for the collection of the revenue, 289.
Resolution in regard to newspapers, 35.
An act in relation to the qualifications of voters, and the collection of a poll tax in the Territory of Kansas, 41.
An act to declare Big Blue river, a Public Highway, 52.
An act to declare the road now leading from the California road near Wakefield to Lecompton along the ridge, between Snyder and William Toddhunter's, a Public Highway, 62.
Concurrent resolution in relation to printing certain bills, 314.
An act to incorporate the Marysville Town Company, 315.
An act to incorporate the Richmond Town Company, 315.
An act supplemental and amendatory to an act providing for the pay of the clerks of the present Legislature, 315.
Report of Committee on Elections, 338.
Resolution in regard to the Military law, 343.
Report of Committee on Conference on bill to regulate elections, 353.
Report of Select Committee on bill concerning free negroes and mulattoes, 364.
Report of Select Committee on bill concerning free colored people, 364.
Resolution to go into Joint Session, 373.
Resolution in relation to calling on the General Government for military arms, 374.
Resolution in relation to printing sundry laws, 376.

MATHIAS, WILLIAM G.—
Representative from the 14th Representative District, appeared and took his seat, 3.
Nominated John H. Stringfellow for Speaker, 4.
Nominated James M. Lyle for Chief Clerk, 4.
Moved the appointment of a Special Committee on Credentials, 6.
Resolution for the appointment of a Committee to act with a Council Committee, to wait on the Governor.
Resolution in relation to time of members in speaking, 8.
Moved the previous question upon the passage of bill removing seat of government, 11.
Demanded the ayes and noes, 17, 30, 31, 117, 132, 212, 268, 370.
Report of the majority of the Committee on Credentials, 17.
Moved the previous question upon passage of Mr. Anderson's resolution in regard to Committee on Credentials, 23.
Moved the appointment of a Committee on Accounts, 24.
Resolution in relation to the printing of the rules of the House, and the organic act, 31.
Resolution in regard to writing Reports in the Journal, 31.
Resolution requiring the Secretary of the Territory to pay the postage of members at Westport, 34.
Appointed Chairman of the Committee on Judiciary and Criminal Jurisprudence, 36.
Report of Select Committee on bill providing for the safe keeping of persons under arrest, charged with, or convicted of, criminal offences against the laws of the United States, 37.
Moved to amend said bill, 38.
Moved to amend Mr. Marshall's resolution in regard to newspapers, 39.
An act to prevent the sale of intoxicating liquors and games of chance, within one mile of the Shawnee Manual Labor School, in the Territory of Kansas, 39.
An act to grant to F. J. Marshall and Albert G. Woodward, exclusive privilege to establish a ferry across Big Blue river, at the crossing of the great military road, leading from Fort Leavenworth to Forts Kearney and Laramie, and also at the crossing of the Independence and California road across the same river, 51.

Report of Select Committee on bill to incorporate the Lecompton Bridge Company, 72.
An act to regulate marks and brands in the Territory of Kansas, 93.
Concurrent resolution to go into Joint Session to sign the memorial for the removal of Gov. Reeder, 95.
Resolution in relation to the appointment of Mr. Stringfellow as bearer of the memorial to the President, asking the removal of Gov. Reeder, 101.
An act to provide for the locations of Territorial roads, in the Territory of Kansas, 121.
An act to incorporate the Fort Scott Town Company, 122.
An act to grant pre-emptions to school lands in certain cases, 156.
Resolution requiring the Secretary of the Territory to furnish wafers to the members, 173.
Report of the Committee on Roads and Highways, 178.
An act to establish a Territorial road from the town of Delaware on the Missouri river, to the town of Calhoun on the Kansas river, 184.
An act to establish a ferry at the town of Delaware, 205.
Moved to amend Council amendment to bill providing for the pay of the clerks of the Legislative Assembly, 245.
Report of Select Committee on bill to incorporate the Leavenworth, Pawnee, and Weston Railroad Company, 266.
An act to confine and make valid certain acts of the Judge of the First District Court of the Territory of Kansas, 267.
Report of Select Committee on Governor's Message, 268.
An act to incorporate the Port William Town Company, 280.
An act to establish a ferry at the town of Port William, in the Territory of Kansas, 281.
Report of the Committee on Judiciary and Criminal Jurisprudence, 49, 71, 90, 118, 119, 120, 126, 127, 128, 129, 137, 139, 147, 151, 152, 153, 164, 165, 167, 171, 172, 173, 184, 195, 196, 197, 199, 203, 204, 220, 221, 222, 224, 226, 227, 231, 240, 241, 261, 262, 263, 271, 272, 273, 278, 281, 282, 296, 297, 306, 307, 308, 311, 318, 338, 339, 354, 368, 372.
Resolution allowing four hundred and fifty dollars to the clerks of the House for copying and indexing the Journal, 306.
An act defining the Judicial District, 316.
Moved to amend bill to fix the time of holding the Supreme Court, 348.
Resolution to pay N. M. Miller for printing, 368.
Report of select committee on Bill to prevent illegal Banking, 369.
Resolution to pay R. L. Ream for a map, 372.
An act providing for the printing and publishing of the laws of the Territory of Kansas, 374.
Resolution in relation to paying B. F. Simmons for furnishing several acts, 380.
Resolution of thanks to the officers of the House, 381.

McGEE, M. W.—
Representative from the 5th Representative District, appeared and took his seat, 24.
Moved to take up Bill preventing stallions from running at large in certain cases, 89.
An act to exempt slaves from sale under execution, except for taxes, 121, 131.
Nominated "One Hundred and Ten" for seat of government, 186.
Moved to amend section 35 of Bill defining the boundaries of Counties, &c., 207, 208.
Demanded the ayes and noes, 211.
Moved to amend Bill restricting dramshops and taverns, &c., 264.
An act supplimental to an act entitled "An act to define the boundaries of the several Counties of the Territory of Kansas," 269.
Report of select committee on Bill to exempt slaves from sale under execution, (see Appendix.)
An act to incorporate the Columbia Tow Company, 311.
An act to incorporate the Washington Town Company, 312.
Nominated George W. Berry for Sheriff of Shawnee County, 332.
Nominated Thomas S. Huffaker for Probate Judge, Thomas B. Elliott and Charles H. Wythington for County Commissioners, and John B. Forman for Sheriff of Madison county, 333.

MILITIA—
Committee on, 36.
An act to organize, discipline and govern the the Militia of the Territory.

McGEE—
Moved to amend Bill to incorporate the Leavenworth Bank, 342.
Report of select committee on Bill to exempt slaves from sale under execution, 348.
Report of select committee on Bill to establish a Ferry at Douglas, 352.
Report of select committee to incorporate the Lavinia Town Association, 354.
Report of select committee on Bill to incorporate the Neosho Town Company, 356.

MEMORIAL,—
To the President of the United States asking the removal of A. H. Reeder from the office of Governor, (see Appendix.)
Memorial to Congress for donation of school lands, 369.
Messages from the Governor,
Official message, 12.
From the Governor, vetoing Bill for the removal of seat of government from Pawnee to Shawnee Manual Labor School, 29.
From the Governor, returning Bills entitled, "An act to prevent the sale of liquor, and games of chance within one mile of the Shawnee Manual Labor School, in the Territory of Kansas," and "An act to establish a Ferry at the town of Atchison

in Kansas Territory," with his objections, 67.
From the Governor, informing the House that his functions as Governor had ceased, 234.
From Acting Governor Woodson, informing the House that he had signed certain Bills, 313, 336, 367.
From Acting Governor Woodson, returning Bill to provide for pay of the clerks of the Legislative Assembly of the Territory of Kansas, with his objections, 339.
From Acting Governor Woodson, transmitting the resignation of Samuel D. Houston, a member, 317. (See Appendix.)

MESSAGES FROM THE COUNCIL,—
Informing the House that the Council had organized, elected its officers, and are now ready to proceed to business, 7.
Informing the House that a committee had been appointed to meet a similar committee on the part of the House, to wait on the Governor, 7.
Informing the House that a certain Bill had passed the Council, 15.
Informing the House that the Council had adopted rules for the government of the Legislative Assembly in joint session, 28.
Informing the House that the Council had passed a Bill removing the Seat of Government temporarily to the Shawnee Manual Labor School, 31.
Informing the House that the Council had passed concurrent resolution requiring a committee on the part of the Council to act in conjunction with a similar one of the House, to wait on the Governor, 32.
Informing the House that a certain Bill had passed the Council, 34.
Informing the House that the Council had passed concurrent resolution appointing a Joint Committee to devise a plan for the immediate formation of a Code of Laws, 39.
Informing the House that certain Bills had been introduced into the Council, 42, 48, 52, 54, 63, 87, 89, 94, 116, 133, 163, 198, 219, 226, 232, 245, 255, 285.
Informing the House that a certain Bill had passed the Council, 42, 52, 54, 92, 198, 305, 314, 341, 348, 354, 356, 370, 373, 379
Informing the House that a certain Bill had been introduced into, and passed the Council, 45, 192, 363.
Informing the House that the President of the Council had signed certain enrolled House Bills, 47, 54, 83, 178, 189, 248, 249, 295, 302, 317, 319, 342, 347, 378.
Informing the House that certain Bills had passed the Council, 53, 59, 64, 65, 87, 110, 115, 128, 132, 149, 163, 177, 192, 209, 225, 232, 244, 255, 261, 272, 284, 299, 309, 343, 345, 352, 377.
Informing the House that the Council had passed a resolution requiring the committees on Agriculture in each House, to report by resolution, petition or memorial to Congress, in favor of a geological survey of Kansas, 63.
Informing the House that the Council had passed concurrent resolution for the appointment of a Joint Committee to draw up a memorial to the President of the United States asking for the removal of Gov. Reeder, 73, 75.
Informing the House that the Council had passed concurrent resolution to go into Joint Session for the purpose of signing the memorial to the President of the United States, asking the removal of Gov. A. H. Reeder, 95, 96, 104.
Informing the House that the Council had passed concurrent resolution in regard to enrolled Bills, 112.
Informing the House that the Council had passed concurrent resolution in regard to going into Joint Session for the location of the Seat of Government, 112.
Informing the House that the Council had passed concurrent resolution requesting the opinion of A. J. Isaacs, District Attorney, and of the Supreme Court in relation to the legality of the removal of the Legislature to its present place of session, &c., 121.
Informing the House that the Council had passed concurrent resolutions providing against the granting of divorces by the Legislative Assembly,—and also providing for the copying and indexing of the Journals and Laws, 133.
Informing the House that the Council requests the return of the Bill organizing the county of Arapahoe, 134.
Informing the House that the Council had passed concurrent resolution in regard to the enacting clause, 149.
Informing the House that the President of the Council had signed certain enrolled Council Bills, 163, 353, 375, 376, 378.
Informing the House that the Council returns to the House the Bill preventing the firing of woods, marshes and prairies,—and also of the passage of certain other Bills, 168.
Informing the House that the Council had passed concurrent resolution authorizing the Public Printer to print five hundred copies of the Journals of each House, 175.
Informing the House that the Council had passed concurrent resolution to go into Joint Session to select a suitable place for the Seat of Government, 177.
Informing the House that a Bill to establish a ferry at Lewis' Point, is in the possession of the Council, 177.
Informing the House that the Council transmits the opinion of the Attorney General, A. J. Isaacs, and of the Supreme Court, &c., 186.
Informing the House that the Council herewith returns and requests the House to have enrolled the Bill authorizing officers to call to their assistance the power of the county, 188.
Informing the House that the Council had concurred in House amendments to certain Council Bills, 192, 198, 209, 233, 255, 273.
Informing the House that the Council had passed concurrent resolution requiring the appointment of a Joint Committee to prepare a form for enrolled Bills, 196.

Informing the House that the Council had passed the Bill locating the Seat of Government, 229.
Informing the House that the Council had passed Bill to establish a Probate Court with the powers and duties of Board of Commissioners, and to define its jurisdiction, 234.
Informing the House that the Council requests the return of the Bill regulating elections, 255.
Informing the House that the Council has passed concurrent resolution in regard to laying off the Territory into Districts, &c., and that the Council had passed concurrent resolution respecting certain Indian treaties, and the admission of certain tribes to citizenship, 262.
Informing the House that the Council has passed concurrent resolution in regard to the independence of the Judiciary, 270.
Informing the House that the President of Council has signed certain Enrolled Council bills, 295, 317, 319.
Informing the House of the passage of a concurrent resolution in relation to the publication of the Laws, and of the passage of certain bills, 319.
Informing the House that the Council had laid on the table the bill to license and tax merchants, and passed a substitute, 356.
Informing the House that the Council had passed concurrent resolution to go into Joint Session, 359.
Informing the House that the Council had disagreed to House amendment to bill for the protection of married women, 363.
Informing the House that the President of the Council had signed a certain bill.
Informing the House that Council had passed a certain concurrent resolution, 369.
Informing the House that the Council was ready to adjourn sine die, 382.

McMEEKIN, H. D—
Representative from the 14th Representative District, appeared and took his seat, 3.
An act to remove the Seat of Government, temporarily, to the Shawnee Manual Labor School, in the Territory of Kansas, 11.
Demanded the ayes and noes, 26, 78, 109, 239, 286, 292.
Appointed Chairman of the Committee on Public Printing, 36.
Report of Select Committee on bill establishing a ferry at Leavenworth, 72.
Resolution requiring the Speaker to appoint an additional Assistant Clerk, 24.
An act to establish a road from Osawkee to Grasshopper Falls, 98.
An act to establish a road from Kickapoo to Money creek, in the Territory of Kansas, 98.
An act to establish a Territorial road from Atchison to Pawnee, by way of Grasshopper Falls, in the Territory of Kansas, 98.
An act to establish a Territorial road from Leavenworth to Indianola, by the way of Money creek and Grasshopper Falls, in the Territory of Kansas, 98.
An act to establish a Territorial road from a point opposite St. Joseph, Missouri, to Indianola, in the Territory of Kansas, 98.
Nominated Mr. Stringfellow for bearer of the Memorial to the President of the United States, asking the removal of Governor Reeder, 100.
Resolution to go into an election of Engrossing Clerk, to fill the vacancy occasioned by the resignation of J. M. Fox, 103.
Nominated Jackson C. Thompson for Engrossing Clerk, 103.
Nominated Wm. G. Mathias as bearer of the Memorial to the President of the United States, for the removal of Gov. Reeder, 104.
An act to authorize James Findley to establish a bridge across the Wakarusa river, 107.
An act to incorporate the Wyandott Lyceum, 130.
An act to exempt certain property from execution, 130.
Report of the Committee on Public Printing, 138, 350.
An act to locate a Territorial road, 156.
An act to incorporate the Kansas University, 205.
Report of Select Committee, on bill to incorporate the Leavenworth and Lecompton Railroad Company, 242.
Report of the Committee on Public Printing, on bill to provide for the election of Public Printer, 251.
Moved to amend bill to incorporate the Atchison Bank of Kansas Territory, 257.
Moved to take up bill to establish a Territorial road from the town of Kickapoo, through the valley of Salt creek, to the city of Leavenworth, 267.
Moved to amend sect. 2, of bill to provide for the removal of Seats of Justice, in certain cases, 286.
An act to incorporate the Leavenworth Bank of Kansas Territory, 288.
Moved to amend bill supplemental to an act to provide for the collection of the Revenue, 289.
Report of Select Committee, on bill to exempt from sale on execution, certain lands and tenements, 300.
Report of Select Committee, on bill concerning gaming, 301.
Report of Select Committee, on bill to restrain dram-shops and taverns, and regulate the sale of intoxicating liquors, 263.
Nominated O. B. B. Libbs for Probate Judge of Jefferson county, 323.
Nominated Napoleon Hopewell and Samuel Hudson for County Commissioners of Jefferson county, 323.
Nominated George M. Dyer for Sheriff of Jefferson county, 324.
Nominated William Alley for County Commissioner of Calhoun county, 325.
Nominated Green D. Todd for Sheriff of Leavenworth county, 326.
Nominated L. F. Hollingsworth for County Commissioner of Leavenworth county, 359.
Moved to amend resolution in relation to paying R. L. Ream for a map, 372.

LOWE, SAMUEL A.—
Appointed second Assistant Clerk, 24.

LYLE, JAMES M.—
Elected Chief Clerk of the House, 4.

MARTIN, JOHN—
Elected Assistant Clerk of the House, 15.

NOTICES—
Of Mr. Browne, to introduce a bill granting to A. B. Wade & Co., the privilege of establishing a ferry across the Kansas river, at the town of Lawrence, 25.
Of Mr. Harris, to introduce a bill to regulate the firing of prairies,—a bill to incorporate the city of Kickapoo,—and a bill for the destruction of prairie wolves, 28.
Of Mr. Weddle, to introduce a bill for the surveying and making of a road from Kickapoo city, by way of Lecompton, on the Kansas river to the Council Grove, intersecting the Great Western road to Santa Fe, at said Grove, 28.
Of Mr. Harris, to introduce certain bills, 28.
Of Mr. Williams, to introduce a bill to more effectually protect the squatter in his claim to 160 acres of land in Kansas Territory, 31.
Of Mr. Marshall, to introduce a bill for the collection of a poll-tax, and the qualification of voters,—a bill declaring Big Blue river a Public Highway,—and a bill requiring persons emigrating to Kansas from Massachusetts, or any other State, which may hereafter nullify the Laws of the United States, to take an oath of allegiance to support the Constitution and Laws of the United States, and the Laws of the Territory, 35.
Of Mr. Mathias, to introduce a bill to prevent the sale of intoxicating liquors, and games of chance, within one mile of the Shawnee Manual Labor School, in the Territory of Kansas, 35.
Of Mr. Blair, to introduce certain bills, 36.
Of Mr. Wade to introduce certain bills, 40.
Of Mr. Kirk, to introduce bill securing liens to mechanics, and others, 42.
Of Mr. Harris, to introduce a certain bill, 45.
Of Mr. Payne, to introduce certain bills, 45.
Of Mr. Johnson, to introduce certain bills, 45.
Of Mr. Croysdale, to introduce certain bills, 45.
Of Mr. Wilkinson, to introduce a certain bill, 47.
Of Mr. Marshall, to introduce a certain bill, 48.
Of Mr. Mathias, to introduce a certain bill, 48.
Of Mr. Waterson, to introduce certain bills, 48.
Of Mr. Anderson, to introduce a certain bill, 50.
Of Mr. Younger, to introduce certain bills, 51.
Of Mr. Croysdale, to introduce certain bills, 51.
Of Mr. Mathias, to introduce a certain bill, 52.
Of Mr. Weddle, to introduce a certain bill, 55.
Of Mr. Marshall, to introduce a certain bill, 55.
Of Mr. McGee, to introduce a certain bill, 55.
Of Mr. Banks, to introduce certain bills, 55.
Of Mr. Payne, to introduce a certain bill, 56.
Of Mr. Browne, to introduce a certain bill, 58.
Of Mr. Anderson, to introduce a certain bill, 63.
Of Mr. Banks, to introduce a certain bill, 64.
Of Mr. Weddle, to introduce a certain bill, 75.
Of Mr. Payne, to introduce a certain bill, 75.
Of Mr. Weddle, to introduce a certain bill, 75.
Of Mr. Tebbs, to introduce a certain bill, 83.
Of Mr. Payne, to introduce a certain bill, 84.
Of Mr. Weddle, to introduce a certain bill, 93.
Of Mr. Blair, to introduce a certain bill, 93.
Of Mr. Waterson, to introduce a certain bill, 93.
Of Mr. McGee, to introduce certain bills, 93.
Of Mr. Kirk, to introduce certain bills, 93.

PAYNE, ARCHIBALD—
Representative from the 14th Representative District, appeared and took his seat, 3.
Resolution to go into Joint Session for the election of Public Printer, 27.
An act to authorize Aulay Macaulay, James Davis and Samuel N. Latta, to establish and keep a ferry across the Missouri river, at the town of Leavenworth, in the Territory of Kansas, 51.
An act to incorporate the Leavenworth Lodge, 150, Ancient, Free and Accepted Masons, 57.
An act respecting lost money and goods, 57.
An act to establish a ferry at the town of Delaware, in Kansas Territory, 83.
An act concerning a Territorial Printer, 239.
Report of Select Committee, on bill concerning a Territorial Printer, 252.
An act to incorporate the Alexandria Town Company, 273.
An act to declare a certain road from Leavenworth city to Osawkee, via Alexandria and Ogdensburgh, a Public Highway, 45, 74.
Resolution to go into Joint Session, 357.
Petition of various citizens of Wyandott, asking the removal of Mr. Gray, 357.
Demanded the ayes and noes, 357.

PERMANENT SEAT OF GOVERNMENT—
Committee on, 36.
An act to locate the permanent Seat of Government, 229.

PENITENTIARY—
An act for the location and government of the Penitentiary, 271.

PETITIONS—
Of David G. Ross, John Groff, Nelson Pullen, John B. Jones, and others, for a ferry on the Missouri river, near Kickapoo city, 28.
Of William Jackson, Geo. A. Ringo, L. L. Boles, S. C. Glenn, and others, for the passage of a lien law, for the benefit of mechanics, 43.
Of Henry Thompson, for a steam ferry on the Missouri river, opposite St. Joseph, Missouri, 43.
Of Henry Adams, Robert S. Kelley, J. H Blassingame and others, for a ferry at Atchison, to be owned by Million Burnes and brothers, 49.
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Of B. A. James, praying for the prohibition of the sale of liquor among the Indians, 145.
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Of Wm. McKinney, J. R. McKinney and others, praying the re-location of the county seat of Douglas county, 294.

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Committee on, 36.

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To appoint a committee to wait on the Governor, 7.
To require members contesting the seats of members in this House, to file their protest by a certain time, 7.
In relation to contested seats, 8.
In relation to members speaking, 8.
To request the Secretary of the Territory to provide each member a copy of the Organic Act, 9.
In regard to time of meeting, 9.
To refer the Governor's Message to a select committee, 15.
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To adopt the majority report of the committee on credentials, and to admit certain members to their seats, 23.
To appoint an additional assistant clerk, 24.
To adjourn from Pawnee to the Shawnee Manual Labor School, 31.
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To admit H. C. Pate a seat in the Hall of the House, as reporter, 33.
To require the Secretary of the Territory to furnish stamped envelops to the members, and to pay the postage of members at Westport, Missouri, 34.
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To authorize the Secretary to subscribe for newspapers for the use of the House, 35.
To restrict reporters in their reports, so as to prevent them from villifying members, 35.
To appoint a committee to wait on the Governor, 39.
To notify the Council of the introduction of bills, 41.
To appoint a Committee on Corporations, 41.
To request the Sergeant-at-arms to wait on the Governor, etc., 42
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To instruct the Sergeant-at-arms to request of the Governor certain acts, 48.
To instruct the Committee on Roads and Highways, in regard to a bill declaring certain roads public highways, 74.
In regard to the enacting clause, 76.
To furnish the Governor with a copy of the Memorial to the President of the United States, asking his removal, 100.
To go into an election for engrossing clerk, 103.
To require all the members of any committee to sign all reports which they approve, 116.

To require the doorkeeper to take charge of all printed matter ordered by the House, and distribute them equally, 120.
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In relation to paying R. L. Ream for a map, 372.
In relation to printing the laws, 369.
In relation to time of meeting, 304.
To appoint additional enrolling clerks, 316.
To allow four hundred and fifty dollars to the Chief and Assistant Clerk of the House, for copying and indexing the Journal, 306.
To authorize the Committee on Public Printing to direct the printing of certain acts, 314.
To appoint a joint committee to memorialize Congress for a grant of lands for the endowment of the Territorial University, 317.
Prescribing the order of business in joint session for election of officers, 320.
To require the Committee on Bounds of Counties and Districts to report, 343.
In relation to printing list of bills, 347.
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To pay N. M. Miller for printing, 368.
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To go into joint session for the election of a Public Printer, 27.
To appoint a joint committee to prepare a code of laws, 39.
To instruct the Committees on Agriculture of each House to report by resolution, petition, or memorial to Congress, in favor of a geological survey of the Territory, 63.
To appoint a joint committee to draw up a memorial to the President of the U. S., demanding the removal of Gov. Reeder, 73.
In relation to the enacting clause, 84.
That the Legislature will not grant divorces, or entertain petitions therefor, 93.
To go into joint session to sign the memorial to the President, asking the removal of Gov. Reeder, 95.
To authorize J. T. Brady to make out an index to the laws and resolutions of the present session, and to make out an index to the Journals of each House, 98.
To recommit to the two Houses the joint resolution to go into joint session, 100.
To go into joint session for the election of a person to carry the memorial to the President, 100.
To authorize Dr. John H. Stringfellow to present in person to the President of the U. S. the memorial relating to the removal of Gov. Reeder, 101.
To go into joint session to elect a person to carry the memorial to the President, Mr. Stringfellow having resigned, 113.
To authorize S. A. Lowe to make out an index to the laws and resolutions of the present session, and of the Journals of each House, 108.
To require the Committee on Enrolled Bills of each House to act as joint committee, and to examine all bills, etc., 112.
To meet in joint session to locate the Seat of Government, 112.
In relation to copying and indexing the Laws and Journals, 116.
To request the opinion of A. J. Isaacs, District Attorney, and of the Supreme Court, in relation to the legality of the removal of the Seat of Government, etc., 117.
To go into joint session for the selection of a permanent Seat of Government, 160.
To authorize the Public Printer to print 500 copies of the Journal, 175.
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To authorize the person appointed to copy the laws, to copy the titles of all bills which have passed, &c., 261.
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In regard to the independence of the Judiciary from Executive control, 270.
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For the government of the House. (See Appendix.)

SCOTT, SAMUEL,—
Representative from the 7th Representative District, appeared and took his seat, 3.
Petition of B. A. James for the prohibition of the sale of liquor among the Indians, 145.
An act to prevent non-residents from grazing stock in Kansas Territory, 168.
An act to establish a ferry across the Marais des Cygues river, at or near Martin Taylor's ford, 199.
An act concerning free negroes and mulattoes, 205.
Moved to amend section 36 of bill defining Boundaries of Counties, &c., 211.
An act to exempt certain property, 280.
Moved to amend bill to incorporate the Leavenworth Bank, 342.

SIMMONS, B. F.,—
Elected Enrolling Clerk of the House, 11.
Vote of thanks to.

STRINGFELLOW, JOHN H,—
Representative from the 11th Representative District, appeared and took his seat, 3.
Elected Speaker of the House of Representatives, 4.
Report of Joint Committee to draw up a memorial to the President of the United States for the removal of Gov. Reeder, 91, 192.
Elected to carry the memorial to the President of the United States, asking the removal of Gov. A. H. Reeder, 100, 101.
Resolution to furnish Gov. Reeder with a copy of the memorial and concurrent resolution, 100.
Letter of resignation of the above place, 103.
Moved to amend resolution in relation to granting divorces by the Legislature, 109.
Resolution requesting the opinion of the District Attorney and Supreme Court, in relation to the legality of the removal of the Legislature from Pawnee to the Shawnee Manual Labor School; and also, in relation to the powers of the Probate Court, 117.
Resolution in relation to Printing, 150.
Resolution to go into Joint Session for the selection of a permanent Seat of Government, 162.
Moved to amend bill for the location of a Territorial road in the Territory of Kansas, 166.
Resolution to support the place selected by the Joint Session for the permanent seat of Government, 186.
Moved to amend bill to exempt homesteads and certain other property from execution, 198.
An act to provide for a Convention, 213.
Moved to amend section 5 of the bill to regulate elections, 215.
An act to incorporate the Atchison Bank of Kansas Territory, 223.
Moved to amend bill to incorporate the Leavenworth and Lecompton Railroad Company, 247, 248.
Demanded the ayes and noes, 252, 279, 354, 376.
Moved to amend bill concerning the election of a Public Printer, 252, 253.
Moved to amend section 25 of the bill defining the boundaries of the several counties, 254.
Moved to amend bill to restrain dramshops and taverns, and to regulate the sale of liquor, 264.
An act supplementary to an act defining the boundaries of Atchison county, 264.
An act to incorporate the Indianola Town Company, 277.
Moved to amend resolution in regard to the Independency of the Judiciary, 279.
An act supplemental to an act to incorporate the Atchison Town Company, 280.
Moved to amend bill providing for the erection of the Capitol, and other public buildings, 301, 302.
Moved to amend bill providing for the location of the county seat of Leavenworth county, 305.
Moved to amend bill to print the laws, 377.
Resolution in relation to the national democratic movement, 380.

TEBBS, WILLIAM H.—
Representative from the 10th Representative District, appeared and took his seat, 3.
Report of select committee on bill to establish the Statutes of the Territory of Kansas, 25.
Resolution in relation to Reporters for newspapers, 35.
Appointed Chairman of Committee on Seat of Government, and on Federal Relations, 36, 37.
An act to establish a ferry at the town of Calhoun, on the Kansas river, 50.
An act to establish a Territorial road from Delaware, on the Missouri river, to Calhoun, and other points, 83.
Resolution to go into an election of a proper person to carry the memorial to the Presi-

dent of the United States, asking the removal of Gov. A. H. Reeder, 100.
An act to authorize John B. Chapman and others, to construct a railroad from Wyandott City, in Kansas Territory, to the town of Saline, 107.
Report of select committee on bill regulating enclosures, 143.
Report of select committee on bill respecting seed horses, 144.
Report of Committee on Seat of Government, 162, 296.
An act to provide for the erection of the Capitol, and other public buildings, 235.
Resolution providing for the appointment and election of members of the House of Representatives, in October next, 239.
An act to provide for taking the census of the people of the Territory of Kansas, 244.
Report of select committee on bill for the erection of the Capitol, etc., 260, 263.
An act to incorporate the Osawkee Town Company, 269.
Nominated James Kuykendall for Probate Judge of Calhoun county, 324.
Nominated Rawley J. Fulton and Richard D. Beeler, for County Commissioners of Calhoun county, 325.
Nominated James Wilson for Sheriff of Calhoun county, 325.
Moved to amend bill to fix the salary of Auditor and Treasurer, 361.
Resolution in relation to printing the laws, 369.

TREASURER—

An act to establish the treasury department, and to define the powers and duties of the Treasurerer and Auditor, 270.

WADE, A. B.—

Representative from the 2nd Representative District, appeared and took his seat, 24.
An act concerning strays, 45.
Resolution to prevent smoking, 47.
An act to prevent stallions, in certain cases, from running at large, 52.
An act to establish a territorial road from Leavenworth city to Salem, in Kansas Territory, 75.
An act authorizing officers to call to their assistance the power of the county, 130.
An act to establish a territorial road in the Territory of Kansas, 146.
An act allowing suits against officers for services rendered under illegal orders, 156.
An act to authorize the re-payment of taxes improperly paid, 199.
An act concerning field notes of public surveys, 228.
Report of select committee on bill concerning mills and millers, 243.

WARD, GEORGE W.—

Representative from the 3d Representative District, appeared and took his seat, 24.
An act to establish a territorial road from a point above Franklin, on the California road, via the Lake and Kansas river, then to the town of Lecompton, in Kansas Territory, 146.
An act to establish a territorial road from the Willow Springs to Douglas, 156.
An act to establish a territorial road from a point on the old California road, on the west side of Little Wakarusa, to Matthew Rule's, on Big Wakarusa, 169.

WATERSON, THOMAS W.—

Representative from the 12th Representative District, appeared and took his seat, 3.
Resolution in relation to contested seats, 7.
Appointed chairman of the Committee on Education and Public Buildings, 37.
Resolution to appoint a Committee on Corporations, 41.
Report of Committee on Corporations, 49, 66, 72, 81, 117, 118, 119, 137, 151, 152, 161, 184, 203, 205, 217, 223, 224, 230, 231, 240, 241, 242, 243, 247, 265, 277, 298, 300, 308, 309, 349, 356, 366.
An act to establish a territorial road from a point opposite St. Joseph, in Missouri, to the Great Nemaha river, 55.
An act to establish a territorial road from opposite Boston, in Missouri, to a point on the California road at or near the Half-way Grove, in the Territory of Kansas.
Report of Committee on Public Buildings, 67.
Report of Committee of the Whole House, on Governor's Message, 73.
Demanded the ayes and noes, 86, 87, 91, 132, 214, 258, 268, 282, 302.
Resolution to go into joint session, 103.
An act to view and mark out a territorial road from Doniphan city to Kelly's Ferry, on the Missouri river, 115.
An act to establish a ferry across the Missouri river, 145.
Moved to refer all that part of the Boundary Bill north of the Kansas river, to the delegation north of said river, and that part south to the southern delegation, 153.
An act to establish a territorial road from the Willow Springs, to Douglas, 156.
Report of select committee on bill to prevent the firing of woods, marshes, and prairies, 178.
Report of select committee on bill declaring certain property exempt from execution, 180.
An act to establish a territorial road from Whitehead, to intersect the St. Joseph and Fort Riley road, 180.
An act for the establishment of Common Schools, 233.
An act concerning road, 233.
An act supplemental to an act entitled an act to establish a territorial road from a point opposite Boston, Missouri, to a point on the California road, at or near the Half-way Grove, in the Territory of Kansas, 233.
Moved to amend bill to incorporate the Atchison Bank, 247.
Moved to sec. 18 of said bill, 258.
Resolution in relation to printing Reports, 268.
Resolution to appoint additional enrolling clerks, 316.
Nominated Joel P. Blair for Probate Judge of Doniphan county, 321.

Nominated Carey B. Whitehead for Sheriff of Doniphan county, 322.
Report of select committee on bill to protect married women, 357.
Report of select committee on bill prescribing the times of holding District Courts, 362.
Moved to amend bill to regulate executions, 371.

WATTLES, AUGUSTUS—
Representative from the 3d Representative District, appeared and took his seat. 3.

WEDDLE JONAH—
Representative from the 13th District, appeared and took his seat, 3.
Moved that John Martin be appointed Assistant Clerk pro tem., 3.
Nominated B. F. Simmons for Enrolling Clerk, 10.
Demanded the ayes and noes, 26, 44, 206, 276, 299, 341.
Appointed Chairman of the Committee on Accounts, 36.
Resolution requiring notice of the introduction of bill to be given to the Council, 41.
An act to organize the county of Kearney, in which Kickapoo city is situated, 57.
A bill to establish certain territorial roads in Kansas Territory, 57.
An act respecting vagrants, 82.
An act concerning arbitrations and awards, 83.
An act to license and tax peddlers, 97.
Report of the Committee on Militia, 106, 122.
An act for the entire prohibition of lotteries, 146.
Moved to amend bill to exempt certain property from execution, 161.
Moved to amend bill to establish a territorial road from Iowa Point to Eugatah, on the Arkansas river, 197.
An act concerning mills and millers, 239.
n act for the location and government of the Penitentiary, 259.
Moved to amend sec. 6 of bill to restrain dram-shops and taverns, etc., 263.
An act concerning ministers, 266.
An act to establish a ferry, 273.
Report of select committee on bill concerning mills and millers, 299.
Report of Committee on Accounts, 337, 357.
Moved to amend bill to incorporate the Leavenworth Bank, 341.

WHITLOCK, JAMES—
Representative from the Second Representative District, appeared and took his seat, 24.
Resolution to elect a Chaplain, 34.
Moved to amend sect. 36, of the bill to define the boundaries of the several counties, 212.
Demanded the ayes and noes, 213, 215, 369.
Moved to amend sect. 4, of the bill to regulate elections, 215.
An act to restrain gaming, 229.
An act, entitled an act to establish a Territorial road, &c., 268.
Report of Select Committee on bill concerning Mills and Millers, 299.

WILLIAMS, SAMUEL A.—
Representative from the Sixth Representative District, appeared and took his seat, 3.
Resolution to appoint a Committee to wait on the Governor, 32.
Appointed Chairman of the Committee of bounds of counties and districts, 37, 344, 348, 355, 359.
An act to provide for the collection of demands growing out of contracts for sale of improvements on public lands, 41.
An act to prevent trespass or other injuries to the possession of original settlers, 41.
Report of Committee on bounds of counties and districts, 67, 305.
Report of Committee on Judiciary, 90, 310, 311.
Reported a Bill defining the boundaries of the several counties of the Territory of Kansas, 153.
An act to incorporate the town of Fort Scott, 302.
Resolution in relation to time of meeting, 304.
Report of Select Committee on bill to incorporate Leavenworth Bank, 312.
Report of Committee on Enrolled bills, 316.
Nominated Charles Passmore for Probate Judge, Barnet Owen and B. W. Cowden for County Commissioners, and Wm. J. Godfroy for Sheriff of Allen county, 330.
Report of Committee on bill to regulate executions, 374.

WILKINSON, ALLEN—
Representative from the Seventh Representative District, appeared and took his seat, 3.
Nominated Benjamin P. Campbell for Doorkeeper, 5.
Resolution informing the Council that the House had organized, elected its officers, and were ready to proceed to business, 6.
Resolution requiring the Secretary to furnish each member with a copy of the organic act, 9.
Resolution to print the Governor's Message, 16.
Demanded the ayes and noes, 25, 43, 46, 80, 91, 94, 111, 135, 194, 201, 207, 213, 242, 252, 275, 312.
Resolution in relation to reporters of newspapers, 35.
Resolution to appoint a Committee to wait on the Governor, 39.
Report of Committee to wait on the Governor, 42.
Resolution requiring the Sergeant-at-arms to wait on the Governor, 42.
A bill declaring certain roads Public Highways, 50.
Petition of T. W. Tedford, H. I. Dingus, Thomas Hargus, and others, for the location of a road, 56.
An act establishing certain roads in the Territory of Kansas, 57.
An act to permanently fix the Seat of Government, 94.

An act concerning Commissioners, Surveyors, and Chain carriers, of roads and highways, 106.
An act declaring certain property exempt from execution, 122.
Moved to amend bill regulating enclosures, 131, 143.
Report of Select Committee on bill to exempt certain property from execution, 143.
An act to protect settlers on school lands, 194.
Report of Committee on Engrossed bills, 204.
Moved to amend, by way of Rider, bill defining the boundaries of the several counties, 206.
Moved to amend sect. 35, of said bill, 207.
Report of Committee on Finance, 241.
Moved to amend bill providing for pay of Clerks, 245.
Moved to amend bill to incorporate the Atchison Bank of Kansas Territory, 247.
Report of Committee on Enrolled bills, 277, 280, 298, 302, 311, 312, 335.
Report of Special Committee on bill to license and tax merchants, 312.

YOUNGER, HENRY W.—

Representative from the Seventh Representative District, appeared and took his seat, 3.
An act to establish a road from the line near Westport, in Missouri, to Fort Scott, in Kansas Territory, 63.
An act to establish a Territorial road from a point opposite Westport, in Missouri, to Cofachique, in Kansas Territory, 63.
Report of the Committee on Education, 191.
An act to prevent obstructions across the Big Sugar creek, 199.
Report of Select Committee on bill establishing a Territorial road, from the town of Iowa Point to Eugatah on the Arkansas river, 213.
Demanded the ayes and noes, 257, 265.
Resolution in regard to pay of members, 265.
Nominated Ransom E. Elliott for Probate Judge, Briscoe Davis and Lee Love for County Commissioners, and John E. Brown for Sheriff of Linn county, 329.